

APPENDIX

TO THE

LONDON MAGAZINE.

MDCCXXXVIII.

JOURNAL of the PROCEEDINGS and DEBATES, in the
POLITICAL CLUB; continued from Page 614.

L. Piso having spoke (as in our last), upon the Question relating to the Army, L. Cassius Longinus spoke next upon the same Question, in Substance as follows, viz.

*Mr. President,
Sir,*



I shall make use of the same Privilege others have done before me in this Debate, I shall beg Leave to give you my Sentiments as follows, viz.

Sir,

Considering how often the Affair now before us, has been debated in this House, I am surprized, that those who speak upon one Side of the Question, should still continue to make use of those Arguments, which have been so often shewn to be built upon a wrong Foundation. They always suppose, that the keeping up of a military Force is a late Inroad upon our Constitution, and inconsistent with the Liberties of the People. This Supposition they take for granted, and upon this they found most of the Arguments they make use of, in favour of the Reduction they propose. Now, I can neither grant, that the keeping up of a military Force is a late Inroad, or any Inroad, upon our Constitution; nor can I grant, that it is in-

consistent with the Liberties of the People; for in this Country it has always been the Custom, in all Countries it is necessary, to have some Sort of military Force, upon which the People can depend, not only for defending them against foreign Invasions, but for enabling the Civil Magistrate to execute the Laws of the Society, against great and powerful Offenders.

A This military Force, Sir, which I say is necessary in every Country, may consist in their Militia, or it may consist in a Body of regular Troops kept in continual Pay; but whatever it consists in, it must be such a one as may be depended on, for the two Purposes I have mentioned; therefore when a Society finds it cannot trust to its Militia, a Body of regular Troops must necessarily be kept in continual Pay; and that which is absolutely necessary for the Safety of the People, cannot be an Inroad upon our Constitution, or inconsistent with the Liberties of the People. In former Times, when none of our Neighbours kept any regular Troops in Pay, and when our Militia, and those possessed of military Fees or Tenures, were all bred up to military Discipline, and provided with proper Arms for the Defence of their Country, as well as themselves, we could depend upon our Militia; but of late Years, our Neighbours have all begun to keep large Bodies of regular Troops in continual Pay, and our People have applied themselves so much to

Arts and Industry, that they have not Time to breed themselves up to military Discipline, nor will they be at the Expence of providing themselves with Arms; therefore we can now put no Trust or Confidence in our Militia, either for defending us against foreign Invasions, or for enabling the Civil Magistrate to execute our Laws against powerful Offenders; and for this Reason we are now, and have been for some Years, under a Necessity of keeping up a large Body of regular Troops in continual Pay; which Body of regular Troops must always bear some Proportion to the Numbers of regular Troops, with which we may at any Time be invaded, and to the Numbers of those who, we have Reason to apprehend, want only an Opportunity for rising in Arms against the Government, and Laws of their Country.

Thus it appears, Sir, that the keeping up a Body of regular Troops, is no late Incroachment upon our Constitution: It is only an Alteration we have been obliged to make, with respect to that military Force which we must always have, for defending us against foreign Invasions, and domestick Offenders. And that the keeping up of a Body of regular Troops is not inconsistent with the Liberties of the People, must appear, I think, not only from Experience, but from its having been so long and so often agreed to by Parliament; for, from an Experience of so many Years standing, I should think that some Proofs or Tokens of this pretended Inconsistency would have become evident, at least I must think, that the Signs or Symptoms of this Inconsistency, if there had been any such Thing, could not so long have escaped the Judgment and Penetration of Parliament; and whatever some Gentlemen may be pleased to think of our Parliaments since the Revolution, yet I must say, I have so good an Opinion of their Honour, and Regard for their Country, that I am convinced no one of them would have agreed to the keeping up a Body of regular Troops, if they had thought it inconsistent with the Liberties of the People.

But tho' I do not think that the keeping up a Body of regular Troops is in itself inconsistent with the Liberties of the People, yet, Sir, I shall readily grant, that a standing Army, not under the annual Check of Parliament, might be so modelled as to make it a proper Instrument for overturning the Liberties of the People. It is not the Army that is of any dangerous Consequence to our Liberties, but it is the Use that may be made of the Army, after proper Care has been taken to fill it with such Men, as may be fit for the worst Uses that can be made of an Army. This is the only Danger we can be exposed to by the keeping up of an Army: This

is a Danger we ought to have a watchful Eye upon; and this Danger we may easily guard against, or prevent, as long as our Army is kept up by an annual Bill for that Purpose; which shews the Difference between an Army kept up by an annual Bill, and an Army kept up by a perpetual Law, so clearly, that I am surprized to hear it said, they are both standing Armies, and equally dangerous to our Constitution. Whilst Recourse must be annually had to Parliament for a new Law for keeping up our Army, it will always be in the Power of Parliament to dissolve that Army, by refusing their Authority for keeping it up, in Case any Attempt should be made towards modelling that Army, so as to make it fit for bad Purposes; or they may throw in such Regulations into the Law for keeping it up, as must prevent all such Attempts for the future; whereas, if our Army should be once established by a perpetual Law, it would be out of the Power of Parliament either to dissolve the Army, or to provide against such Attempts: It would be then properly a standing Army; for, I think, the Army ought always to take its Appellation from the Law or Custom by which it is kept up. Those Laws or Customs which are designed to be perpetual, we generally call the standing Laws or Customs of a Country; but I never yet heard an annual Law, called a standing Law, nor would it deserve that Name, tho' it should be annually agreed to for a whole Century together; and for the same Reason I think, that as long as our Army is kept up by an annual Law, it can never be properly called a standing Army.

I shall agree, Sir, that no greater Army ought ever to be kept up than the present Necessity requires; but this does not proceed from the Danger, but from the Expence; and because of the Expence, I should be fond of agreeing to a Reduction, if our Affairs at home or abroad could admit of it; but I shall never be for exposing the Peace of my Country, and the Safety of my fellow Subjects, to Invasions and Insurrections, for the sake of saving the Expence of keeping up 5 or 6000 regular Troops. Therefore, considering the great Number of regular Troops kept up by every one of our Neighbours, and the present universal Degeneracy and Neglect among our People, with respect to Arms and military Discipline, I shall always be extremely cautious of agreeing to any Reduction, unless I think we are in a State, not only of the most profound Tranquillity, but of the most certain and apparent Security; which I shall never think, as long as it requires so much Art, and such a Power of Eloquence, as the noble Lords, who have spoke upon the other Side of the Question, have made use of, for shewing, that this is our happy State at present.

The very Question now under our Consideration, Sir, must convince us, that we shall always be under a Necessity of keeping up some certain Number of regular Troops; for the noble Lord who made the Motion, and the noble Lord who has spoke in Favour of it, have endeavoured to shew, that we are now in as great Tranquillity and Security, as we can ever hereafter be supposed to be in; from whence I must conclude, that even they are, and, indeed, every Gentleman must be, of Opinion, that it will always be necessary for us to keep some regular Troops in Pay. This, I say, Sir, is a Necessity we must always be under, as long as the far greatest Part of our People apply themselves so much to Arts and Industry, as to neglect entirely the breeding themselves up to Arms and military Discipline; and this will always be our Case, as long as we are an industrious, trading, and consequently a rich People; for from all Histories we may observe, that the most warlike People have generally been the most idle, and of course the most destitute of Riches. That military Force, therefore, which is necessary for protecting us against our foreign and domestick Enemies, must, while we remain in our present Circumstances, consist in the regular Troops we keep in continual Pay; and the Number of those Troops ought always, as I have said, to be in Proportion to the Danger we happen to be in at the Time. As to the Danger we are now in from foreign Enemies, I shall freely own, Sir, that, considering our Superiority at Sea, if we were in no Danger from domestick Enemies, a less Number of regular Troops than we have at present, might be sufficient to guard us against Invasions; because a less Number would be able to defeat any Invasion, that could be made upon us suddenly and unawares, if we were sure they would not be joined by any great Number of our own People; therefore, I think it unnecessary for me to endeavour to answer those Arguments, the noble Lords have made use of, for shewing, that we are at present in no Danger from abroad: I shall endeavour to answer those Arguments only, which they have made use of, for shewing, that we are in no present Danger from our domestick Enemies; and, if I can shew that we are now in some Danger from our domestick Foes, I must observe, that, while we are so, we can never be in an absolute Security against foreign Danger; for that Security, which is founded upon the seeming Resolutions of foreign Princes, or the serene Countenance of foreign Courts, is a Security we ought never to depend on.

Sir, It is the Danger we are in from our domestick Enemies, that makes me against a Reduction of our Army: It is this that enhances every foreign Danger we can apprehend, and makes that seem probable which

would otherwise be impossible. The noble Lord, who spoke last, was pleased to make a Distinction between Dissaffection and Dissatisfaction, which at other Times, or under other Governments, might be a just Distinction; but, I cannot allow, that it is applicable to our People under the present Government. When a Government is pursuing wrong Measures, when those in Power are grasping at more than they ought to have by our Constitution, or committing Acts of Violence and Oppression, the People have Reason to be dissatisfied; and in that Case, there is no removing the Dissatisfaction, but by a Change of Measures, and bringing those to condign Punishment, who were the Authors of that Dissatisfaction: But under our present Government, no Measures have been pursued, but what have been approved of by Parliament; no Encroachments have been made upon the Liberties of the People; no Acts of Fraud or Oppression have been committed, at least none such have been patronized or countenanced by our Government; therefore, if there be any amongst us that appear discontented, it must proceed from Dissaffection, or from private Resentment, perhaps from a Resentment founded upon their having been refused, what it would have been imprudent or unjust in our Government to have granted, or upon their not being indulged in Things that are inconsistent with our Constitution, or with the Peace and Happiness of Society; and that Discontent which proceeds from such a Resentment, or, indeed, from any Resentment of a private Nature, I cannot call by so loose a Name as that of Dissatisfaction: I must call it Sedition; and the only Way of guarding against Sedition, is to enable our Government to prevent its being in the Power of the Seditious to do Mischief. As a certain Number of regular Troops must be kept up; as no Number of regular Troops kept up according to our present Method can be of dangerous Consequence to our Constitution, or in the least contrary to Revolution Principles; and, as no greater Number of such Troops has ever been kept up, than what was thought necessary by both Houses of Parliament; therefore, the keeping up of such a numerous Army, could never afford Matter of Discontent to any Man, who has nothing in View, but the Good of his Country, and the Preservation of our present happy Establishment.

If there were no Discontents in the Nation, but what proceeded from a just Dissatisfaction, I am sure there could be none, and, in that Case, I should be for the Reduction proposed; but, Sir, there are great and general Murmurs and Discontents in the Nation, and all those Murmurs and Discontents proceed originally, I believe, from Dissaffection and Sedition.

dition. It is the Disaffected and the Seditious, Sir, that magnify every accidental Misfortune we meet with, that misrepresent the most prudent Measures the Government can take, and that instil into the Minds of the People such Notions of Liberty, as are inconsistent with Society. Power, I shall grant, Sir, is apt to exceed its Bounds, and may deviate into Oppression; but, I hope, it will be granted, that Liberty is likewise apt to exceed its just Bounds, and may deviate into Licentiousness. When the former happens to be the Case, it is then high Time to think of clipping the Wings of those in Power, by reducing our Army; but when the latter happens to be our Case, will any Man say it is then a proper Time to tie up the Hands of those in Power, or to weaken the only effectual Curb our Government has for restraining the Licentious? This is our unfortunate Case at present: By the Audaciousness of the Disaffected and the Seditious, and by the Lenity of our Laws, as well as of those in Power, there is such a Spirit of Licentiousness spread among the lowermost Sort of our People, that, I believe, nothing could command their Obedience to the Laws of their Country, but the regular Troops we keep in Pay; and when the People are ripe for an Insurrection, who knows but some foreign Power may, at an unawares, throw in a few Troops amongst us, in order to set that Spirit in a Flame, which is now smothered by our having a sufficient Number of regular Troops in every Corner?

I hope, Sir, I need not take up your Time with giving you any Examples of the Licentiousness, that now reigns among the lowermost Sort of our People. The great Countenance and Protection the Smugglers meet with, in every Corner of the Kingdom, from the common People, and I wish I could not say, from some of a superior Rank; the many Mobs and Riots that have happened on Account of Turnpikes; and the unaccountable Opposition that has been made to one of the best and most necessary Laws that was ever enacted, I mean the Law against retailing Spirituous Liquors; must convince every Man, that there is such a Spirit of Licentiousness among the Vulgar, as can neither be corrected nor restrained by the Civil Power, without the Assistance of regular Troops; and as this Spirit of Mobbing is spread over the whole Kingdom, as Mobs and Tumults are always most hurtful and most dangerous to the best Sort of People, and to the most worthy and most diligent Magistrates, they might do infinite and irreparable Damage, if there were not a Body of regular Troops, in or near every Place where any such can happen: As these Troops are always near at hand, and ready to march to the Assistance of the Civil Magistrate, tho' they cannot entirely prevent Mobs, yet

it is certain they render them less frequent, and prevent their doing the Mischief they would otherwise do. This is an Advantage now enjoyed in every Part of the Kingdom; whereas, if we make the Reduction proposed, we may still perhaps enjoy it here about London, but a great many Country Places must be left entirely destitute of Troops, and consequently the better Sort of People left a Prey to a licentious and unruly Populace.

For this Reason, Sir, if there were no other, I must be against making a Reduction of our Army, and shall be against it, as long as the present licentious Spirit prevails among the meaner Sort of our People; for whatever
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Regard former Mobs may have shewn to the illustrious Family upon the Throne, whatever Regard they may have shewn to the Lives or Properties of their fellow Subjects, as they have been, and always will be, spirited up by, and much under the Government of the Disaffected and Seditious, if any future Mob should come to such a Head as to deserve the Name of an Insurrection, I am afraid they would shew no great Regard, either to the Liberties or Properties of their fellow Subjects, or to our present happy Establishment; and therefore, if the present Question had been moved by any Gentleman of mean Circumstances, or by one who could be suspected of Disaffection or Sedition, I should have answered him in the Words of Cato to Julius Caesar, on Occasion of the Catiline Conspiracy. *Quasi vero Muli, atque Scelesti tantummodo in urbe, & non per totam Italiam sint; aut non ibi plus possit Audacia, ubi ad defendendum Operi minores sunt. Quare vanum equidem hoc Consilium est, si periculum ex illis metuit. Sin in tanto omnium metu fiat non timet; eo magis refert, me mibi, atque vobis timere.*

I hope, I have now shewn, Sir, that we are at present in great Danger from our domestick Enemies, that this Danger must always, while it lasts, render our Security against foreign Danger precarious, that we have no Way of guarding against either of these Dangers, but by keeping up a Body of regular Troops, and that the Number we now keep up, is the least that can at present be supposed sufficient for this Purpose. I know it may be said, that we have our Militia to trust to, and that our Militia will generally be sufficient to guard us against Insurrections at home, and against all such Invasions as can be made upon us from abroad. Sir, there is no Man has a better Opinion than I have of the Courage of our Men in general: I know they have Strength and Agility superior to most of their Neighbours, and Courage sufficient for enabling them to make a proper Use of their natural Strength and Agility; therefore, Men to
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Man, I could trust to them against any equal Number of Troops in the World: But personal Courage, Strength and Agility, without military Discipline, are of little Signification in an Army. If every Man in your Army does not know how to obey the Word of Command, in an exact and regular Manner, in the Day of Battle, your Army must go in Confusion; and in such a Case, the personal Courage of the Men does but increase the Slaughter; for after an Army is once put in Confusion, the most courageous must trust to his Heels for his Safety, or die by the Sword of that united Force that attacks him. This is the Cause of that Inequality which has always been found between Militia and regular Troops; and for this Reason, we can never depend upon our Militia, when regular Troops are brought against them. Even in the late Rebellion, we found we could put no Trust in our Militia, tho' no regular Troops were then brought against them. The Militia, we know, did us little or no Service, upon that Occasion, in any Part of the Kingdom, which is a Fact so notorious, that I am persuaded it will not be denied; but, if it were, it could easily be confirmed by a noble Lord now present, who had the principal Share in suppressing that Rebellion.

From hence we may see, Sir, that our Militia is what we can put no Trust in for defending us against Invasions; and with regard to our Defence against Mobs and Insurrections, I am sure, whilst the present Spirit of Licentiousness prevails, our Militia can be of no Service, because our Militia is chiefly composed of that Sort of Men, who at present, instead of opposing, would probably join with any Mob or Insurrection that might happen. Then with respect to the Execution of our Laws against Smugglers, Destroyers of Turnpikes, and Retailers of Spirituous Liquors; I must desire Gentlemen would consider, how it would be possible to prevent or punish any one of these Grievances, if we had nothing but our Militia to trust to. Can it be supposed that the Militia of any County upon the Sea Coast would oppose, much less venture their Lives in apprehending Smugglers; when it is well known, that there is hardly one Man of mean Circumstances in any of those Counties, and of such your Militia must always chiefly consist, but what is concerned, or has a Brother, a Son, or some near Relation, or intimate Friend, concerned in such Practices? The Case is the same with regard to those Counties where the Turnpikes have been destroyed, and will always be the same, I believe, in every County where such Offences shall happen to be committed; and I am convinced no Man expects, that our Militia would protect one who had informed against a Retailer of Spirituous Liquors, or that they

would rescue him from the Hands of a licentious and cruel Mob: On the contrary, I believe, they would join with the Mob, and would assist them in all the Outrages and Cruelties they commit upon such Occasions: It would be impossible for the Civil Magistrate, or the Officers of the Militia, to command their Obedience in any of the Cases I have mentioned; for when the People in general are so licentious, as to contemn and despise the Laws of their Country, we cannot well expect, that our Militia would shew any Regard to the Authority of a Civil Magistrate, or that they would obey the Commands of their Officers.

Thus, Sir, I have shewn, that our Militia cannot, at present, be depended on for defending us against Invasions, Insurrections, or Tumults; nor for assisting the Civil Magistrate in the Execution of our Laws: But Gentlemen will perhaps say, that our Militia may, by proper Regulations and due Care, be made as well acquainted with military Discipline, as any regular Troops, and that those Laws, which are found to be disagreeable to the People in general, may be so altered, or such new Laws made in their Room, as may be so agreeable, that most Men in the Kingdom will concur in seeing them duly put in Execution. Sir, when such Regulations are made, and are found to be effectual, it may be a good Argument for reducing, perhaps disbanding, our regular Troops; but, surely, the Possibility of doing such Things can be no Argument for an immediate Reduction. Whether they are possible or not, is what I shall not now take upon me to determine; but I have a great Suspicion, that no Regulations you can make will be found to be effectual for these Purposes. As to the Militia, I do not think you can ever get Men to spend as much of their Time, as is necessary for making and continuing themselves Masters of military Discipline, when they themselves see no Necessity for so doing, unless you pay them for that Part of their Time they bestow in that Way. If you pay them, it will cost you as much as the regular Army you now maintain, and it will be as great a Loss to the Publick, by the Loss of their Labour, during the Time they are employed in military Exercises; because, if you put your whole Trust in your Militia, you must have, at least, three Times the Number of the regular Troops you now keep in daily Pay. And then, with respect to the Laws which are now found to be disagreeable, I am afraid no Regulations you can make, will ever be agreeable, if they are effectual for the End proposed; for few Men, now-a-Days, have so much Regard for the Publick, as not to avoid paying those Taxes, or Imposts, which are necessary for the publick Service, as often as they can do it with Safety; and, there-

therefore, most Men will think those Laws severe, that enforce the Payment of such Taxes, and will be apt to favour those who assist them in getting free from the Payment of them, and to oppose the Officers who are employed in collecting them. With Regard to the Retail of Spirituous Liquors, It is the same: The drinking of such Liquors is now become the favourite Vice of the meaner Sort of People; and tho' it evidently tends to the Destruction of their Health, as well as their Morals, yet, I believe, they will always find Fault with, and oppose the Execution of, any Law that effectually prevents their indulging themselves in this favourite Vice. From all which I must conclude, that the best Method of securing ourselves against all Dangers of a foreign or domestick Nature, and the best Method for executing those Laws which are necessary for the Good of the Publick, is to keep such a Number of regular Troops, in daily Pay, as may be sufficient for these Purposes, according to the Circumstances we may happen to be in at the Time.

This, Sir, I confess, must always be an Expence to the People, and must be greater or less according to the Number of Troops we keep in Pay; therefore I shall always be for a Reduction, when I think it can be made without subjecting the People to the Danger of a much greater Expence; but as I have observed, that Reductions have generally been attended with Invasions or Insurrections; and as we are, upon such Occasions, obliged not only to increase our own Army, but to call in foreign Auxiliaries, which puts the People to a much greater Expence than they saved by the Reduction, therefore, for the Sake of the People, I shall never be for a Reduction, when I think there is the least Danger of an Invasion or Insurrection; and I must think we are in Danger of both, when there is such a Spirit of Disaffection, or Dissatisfaction, or Sedition, call it which you will, as I find reigns in this Nation at present. But besides the Expence of calling in foreign Troops, I must take Notice, Sir, that if an Army of our own Subjects can be of any dangerous Consequence to our Constitution, I am sure an Army of foreign Troops must be much more so. This is so true, that I believe no one Instance can be shewn, where the Liberties of a free People have been effectually, and irretrievably overturned, without the Assistance of some foreign Auxiliaries; for tho' it has sometimes happened, that the Liberties of a Country have been incroached on, or for a Time suspended, by an Army of their own People, yet it has generally, I may say always, been found, that that very Army restored their Liberties as soon as they became sensible of the Injury they had done their Country; therefore, I hope, all those who are real

Friends to the Constitution, and Liberties of this Kingdom, will be against any Measure, which may probably give our Government a Handle for calling in foreign Troops to their Assistance; and as, in our present Circumstances, this may probably, in my Opinion, be the Consequence of reducing our Army, therefore I am certain no Gentleman, who thinks as I do, can give his Assent to it.

Whilst our Army, Sir, is composed wholly of our own Countrymen, commanded by Gentlemen of the best Families and Fortunes in the Kingdom, and kept up only from Year to Year, by Authority of Parliament, it can never be of dangerous Consequence to our Constitution, nor can it be so

garbled as to be made to serve any bad Purposes. If any such Attempts should be made, we shall always have it in our Power to put a Stop to such Practices before they can produce the designed Effect; but, I hope, the removing of two or three Gentlemen from their Posts in the Army, and putting others of as good and as undoubted Characters in their Room, will not be called garbling the Army; and, therefore, I am surprized to hear any late Accidents of this Kind taken Notice of in this Debate; for while you preserve your Constitution, you must leave to the Crown the absolute Disposal of all Commissions in the Army; and if his Majesty has lately, in a few Instances, made use of this Power, he had certainly good Reasons for what he did.

He is no Way obliged to give an Account of his Reasons to this House, nor have we any Right to enquire into them. We ought not so much as to take the least Notice of such Removes, unless a considerable Number of such had been made, and Men of bad Characters put in the Place of those that had been removed. Then, indeed, it might be proper to think, not only of a Reduction, but of a Dissolution of our Army; but as no such Thing can now be complained of, or suspected, as our Army is, I think, the only Security upon which our present Tranquillity depends, and as it is, I think, but barely sufficient for preserving that Tranquillity, therefore I am against our making any Reduction.

The next that spoke upon this Question, was P. Ventidius, the Purport of whose Speech was as follows, viz.

Mr. President,
Sir,

To proceed in the Method hitherto observed in this Debate, I must assume a Character, which I confess I am no Way fit for; but, as Necessity excuses our keeping up a standing Army, I hope Necessity will likewise excuse my assuming the Character I am now going to assume.

Sir,

Sir,
THE only Difference, I find, that has been assigned, and, indeed, the only Difference that can be assigned, between an Army kept up by a perpetual Law, and an Army kept up by an annual Bill, is, that, in the latter Case, we may refuse our Consent to the Continuing of the Army, if it should, at any Time, appear, that the keeping up of such an Army is unnecessary, or if it should, at any Time, appear, that some Attempts have been made to make a bad Use of that Army. Now, Sir, I think, one of the worst Uses that can be made of an Army, is, to make Gentlemen's Commissions in the Army serve as a Handle for subjecting them to the arbitrary Will of a Court, or favourite Minister; because, if such an Use should ever be made of your Army, it will of course contribute not a little towards destroying the only Difference, that can be assigned, between an Army kept up by a perpetual Law, and an Army kept up by an annual Bill. If an ambitious or guilty Minister should get it signified to all those Gentlemen of the Army, who have the Honour to be Members of either House of Parliament, that if they did not vote according to his Directions, they should be turned out of the Army, and their Subsistence taken from them; if he should even make some Examples, in order to shew that he is in earnest; I must ask Gentlemen, if this would not greatly tend towards giving that Minister a Majority, upon which he could depend, in each House of Parliament? If he should go farther: If he should get it signified to all the Officers of the Army, from the Corporal to the General, that they should be disappointed in their Preferment, unless they made use of all their Interest at Elections, in every Corner where they could procure any, in Favour of the Candidate recommended to them by him; and if he should, in this likewise, make some Examples, for shewing that he is in earnest; would not this contribute greatly towards his being always able to procure a Majority of his own Creatures, being chosen Members of the House of Commons? And if this should ever happen to be our Case, I should be glad to know the Difference between an Army kept up at the Pleasure of the Crown, by a perpetual Law, and an Army kept up at the Pleasure of the Crown, by an annual Bill, to be passed in a Parliament, that would never refuse to do any Thing the Court or Minister should desire.

I am far from saying, Sir, that any such Attempts, or any such Examples, have been lately made: I have stated the Case in this Light, only to examine that Doctrine, which has been laid down by the noble Lord that spoke last. The noble Lord was pleased

to tell us, That the absolute Disposal of all Commissions in the Army is, by our Constitution, vested in the Crown: That when the King makes any extraordinary Use of this Power, he is not obliged to give his Reasons, nor have we any Right to enquire into them; and that when any Removes are made, they ought not to be so much as mentioned in this House, unless a great Number should be made at a Time, and Persons of a bad Character put in the Room of those turned out. I am glad his Lordship was pleased to leave us some Power of Controul; but, I shall presently shew, that the Power he has left us, if we had no greater, would be altogether ineffectual for preventing the Mischiefs I have mentioned. Now, Sir, I shall grant, that by the present Establishment of our Army, his Majesty has an absolute Power to dispose of all Commissions in the Army, and to turn Gentlemen out of their Commissions, whenever he has Mind. This is, at present, one of the Prerogatives of the Crown; but this, like all other Prerogatives, tho' it be absolute, it is not arbitrary: It is subject to the Controul of Parliament; and, if any King of this Realm should make a bad Use of this Prerogative, but in one Instance, the Parliament may enquire into it, and may send those that advised it, not only to the Tower, but to Tower-Hill. To tell us that we have no Power to enquire into the Reasons of any Removes, unless a great Number should be made at a Time, and Persons of a bad Character put in the Room of those turned out, is to tell us, we have no Power at all; for, if a Minister should dare to make a great Number of Removes at a Time, he would take Care to make such a Number, as should put it out of the Power of Parliament to take Notice of any of them; and as to the Character of the Persons put in the Room of those turned out, a Man may be of a good Character in private Life, he may even be of a good Character as a Soldier, and yet may not have Resolution enough to risk his Commission, by voting in Parliament, or giving his Interest at Elections, contrary to the Directions, or known Sentiments of a Minister; especially, if he be a Man who has not otherwise a competent Subsistence, according to that Method of Living he has led himself into; and still more especially, if it be at a Time, when he sees several recent Examples for convincing him that his Commission is at Stake. Therefore, if we had, in this respect, no greater Power than what the noble Lord has been pleased to vouchsafe, the Army might be made a Handle, for procuring to a Minister a continual and certain Majority, in both Houses of Parliament, without its being in the Power of Parliament to prevent, or put a Stop to any such Attempts.

In this Country, in all Countries, nay, Sir, in the most arbitrary Countries, a Gentleman's Commission in the Army is reckoned a Provision for Life; and it is reasonable it should be so; for when a Gentleman, from his Youth, attaches himself to the Business of a Soldier, and for that End neglects every other Business by which he might have got a Livelihood, or advanced himself in the World, the Commission he acquires by his Conduct and Courage, or by his long and faithful Services, perhaps with the Loss of a great deal of his Blood, and even some of his Limbs, ought to be a Provision for Life. It is a Property which ought not, which cannot justly be taken from him, unless he forfeits it by some civil or military Crime. And if to this we add the Title of Purchase, if a Gentleman bestows the Fortune given him by his Parents or Relations, upon the Purchase of a Commission, and makes that Purchase with the Connivance, perhaps in some Measure with the Countenance, of the Court, surely it is an additional Argument for shewing, that his Commission ought not to be taken from him at the arbitrary Will of a Court, or upon the false and sly Insinuations of a favourite Minister. This would be making an unjust Use of the Prerogative of the Crown, and consequently an Abuse which ought to be enquired into by this House. But if an Officer's Commission should be taken from him for not voting in Parliament, or at Elections, according to the Directions he may privately receive from a Minister, or for not shewing a mean and dishonourable Compliance for a Court Favourite, it would be an Abuse of Prerogative, that would be not only unjust but dangerous; and therefore, would more highly deserve the Notice of this House.

Sir, It is impossible to suppose, that any Gentleman ever will be turned out of his Commission in the Army without any Reason, secret or revealed; and therefore, when a Gentleman of good Character, both in his civil and military Capacity, is dismissed, without any Reason assigned, the World will suppose it was for Reasons that cannot be owned: They will suppose it was for some of the Reasons I have mentioned: They will from thence conclude, that this House ought to enquire into it; and if we do not, the Reproach will lie at our Door; for which Reason, if we have a due Regard to our own Characters, which must always depend upon the Opinion of the Publick, we ought to enquire into every such Removal or Dismission. If it was made upon unjust Grounds, we shall do Justice to the Person injured, and vindicate our own Characters by punishing the Advisers; if it was made upon just Grounds, we shall undeceive the People, and vindicate the Crown.

As to the late Removes that have been

made, whether we ought to enquire into all or any of them, is what I shall not take upon me to determine; but, Sir, whatever may have been the true Reasons, they have raised, I am sure they must raise, a general Suspicion among the People. Some Gentlemen have lately been turned out of their Commissions in the Army, who cannot be so much as suspected of Disaffection, because they have ventured their Lives for the Support of our present Establishment; nor can they be accused of having ever been guilty of the least Fault, or of having been liable to the least Reproach, either in their civil or military Capacity, so far at least as is publicly known; and yet their Commissions in the Army, their military Property, I may call it, has been taken from them, without any Trial, without any Reason assigned. His Majesty had certainly good Reasons for what he did; but, as his Majesty must often hear by Means of other Peoples Ears, and see by Means of other Peoples Eyes, that the World will, I am afraid, conclude, that his Majesty's Reasons and those of some of his Ministers were extremely different. They will conclude, that his Majesty's Reasons were founded upon Misrepresentations, which it is impossible for him to discover, but which might be easily discovered, if they were freely and impartially enquired into in a Parliamentary Way.

I know, Sir, that what I say upon this Occasion will be reported in another Place, not in the Manner I speak it, for if it were, I could not, from any Thing I have said, or shall say, incur the least Displeasure; but it will be misrepresented, and the most invidious Turn given to it that can be invented. I have been already served so: What I said upon a certain Occasion last Session, was misrepresented in another Place ***** This is the Treatment, Sir, I have already met with; but I despise, I shall always despise such Treatment: While I have the Honour to sit here, I shall upon all Occasions declare my Sentiments decently, but freely, let the Consequence be what it will. It is a Duty I owe to my Country: It is a Duty I owe to my King; and it is the Business of a Soldier to die, rather than to desert, or to neglect his Duty.

To tell us, Sir, that the Crown, or the Ministers of the Crown; for in this House whatever we say of the Crown, must be supposed to be meant of the Ministers of the Crown; therefore, I say, to tell us that the Ministers of the Crown may dispose of Commissions in the Army, and may turn Gentlemen out of their Commissions, without any effectual Controul from Parliament, is a most dangerous Doctrine. If this were established as an infallible Rule, it is certain that Voting either at Elections or in Parliament, contrary

* The Asterisks denote, that what was said but a Tendency towards being Personal, or of a private Nature, which I never take down, and therefore can give no Account of.

to the Directions given by a chief Minister, would always be reckoned, and would be made a good Reason for turning a Gentleman out of his Commission: It would be look'd on by all Ministers as Mutiny; and I do not know but in some future Session, a Clause might be added to the Bill now before us, for punishing it as such. But without such a Clause, the Doctrine now advanced would be sufficient for making most of the Officers of our Army downright Slaves to the Ministers of the Crown; for to an Officer who has no other Dependence, the Loss of his Commission is worse than the Loss of his Life. Without subjecting the Officers of our Army to the Danger of being turned out of their Commissions, at the arbitrary Will of a Minister, they are, by other Means, already too much exposed to his Resentment. There are many other Methods, by which a Minister may make an Officer suffer, besides that of taking his Commission from him. I have myself, Sir, experienced many Inconveniencies from my not having had the good Fortune, while I was in the Army, of being in the good Graces of a Minister. Even at the Treasury, there are Methods for stopping and retarding the Payment of that Money which is due to an Officer, if he happens to be out of Favour with the chief Man at that Board. Prosecutions and vexatious Suits of several Kinds may be set up against him. Such Things, I say, may be done, and, I say so, because I know it by Experience. I have had

If our Army, Sir, were properly regulated, and both Officer and Soldier rendered as independent of Ministers as other Subjects are, I should perhaps find no Fault with keeping it up, were it more numerous than it is; but from what I have said, it will appear, that as long as it continues under its present Regulation, it will always be extremely dangerous for any Officer to incur the Displeasure of a Minister; and as some late Precedents may perhaps make Officers believe, that their Commissions depend upon a Tenure very different from what they were formerly thought to depend on, therefore, unless some new Regulations are made, I shall always think a numerous standing Army of the most dangerous Consequence to our Liberties; for which Reason I shall always be for reducing it as much as possible; and as no Danger nor Inconvenience can ensue from the Reduction now proposed, I think it ought to be agreed to.

In our Club, some Rules for speaking are established, and no Member is to be interrupted, unless he attempts to transgress these Rules. If he does, any Member may rise up, and object against his proceeding in that Manner. This was twice the Case with respect to some Things said by the Member that spoke last; but the Club allowed him to proceed in what he had begun.

Q. Fabius Maximus stood up next, and spoke to this Effect, viz.

Mr. President,
Sir,

I shall likewise in this Debate assume a Character, which I am much less fit for, than the noble Lord who spoke before me; however, I shall plead the same Excuse, and proceed thus.

Sir,

I Was a little surprized to hear the least Objection made against the Regularity of any Thing said by the noble Lord that spoke last. In my Opinion, he neither said, nor attempted to say any Thing but what was extremely proper, and what ought to have great Weight in this Debate; for if any Means have been lately made use of, for making the Officers of our Army subservient to an Administration, both in their civil and military Capacity, it is high Time for us to return to our ancient Constitution, which never admitted of a standing Army's being kept up within this Kingdom in Time of Peace. The noble Lord has, 'tis true, come but lately into this House; but he came, Sir, by a very antient Title, which makes his Case very different from those who come by a new Title; for as those who come by an old Title, have, from their Infancy, a Prospect of coming here, they may be supposed to have studied our Methods of Proceeding from their Infancy; whereas no such Supposition can be made in favour of those who come in by a new Title. Accordingly, the noble Lord has, ever since he took his Place, and particularly upon this Occasion, shewn us, that he is perfectly acquainted with our Forms and Methods of Proceeding. He began his Discourse, by representing to us the Danger of making Gentlemen's Commissions in the Army serve as a Handle for subjecting them to the arbitrary Will of a Minister. He shewed us that this would be the Case, if we should allow their Commissions to be made precarious; and if he knew any other Methods that might be used, or that had been used, for rendering the Officers of our Army subservient to an Administration, was there any Thing more proper, was there any Thing more necessary, to be laid before us on this Occasion? Sir, what he said upon this Subject was so far from being improper, that, I think, it highly deserves our Consideration: It ought to be enquired into, before we give our Opinion upon the present Question, or at least before we

pass the Bill now under our Consideration; for if any Methods have been, or can be, made use of, for making an Officer suffer, on Account of what he says in this House, or on Account of his not being in the good Graces of a Minister, we ought either to disband our whole Army, or, in this Bill, we ought to make such Regulations as may prevent such Practices for the future.

After having said thus much with respect to Order, I must beg Leave, Sir, to take Notice of some Things that fell from a noble Lord who spoke last but one. His Lordship was pleased to say, that in every Country there must be a military Force kept up, of some Kind or other, that the military Force kept up, ought to be sufficient for defending the People against Invasions and Insurrections, and that this military Force must now, in this Kingdom, always consist in a standing mercenary Army, because of the Disuse of Arms and military Discipline among the rest of our People. I shall grant, Sir, that every Country ought to be provided with a military Force of some Kind or other, sufficient for protecting the Country against foreign Invasions, and the Government against factious or seditious Insurrections; but I am far from thinking it necessary to have that military Force modelled into a mercenary standing Army, and if it were, I am far from thinking, that Army ought to be so modelled, as to be under a slavish Subjection to the Crown, or to any one Man in the Country.

Suppose, Sir, it were necessary for us to keep a standing Army always in Pay: Suppose we could contrive no other Sort of military Force, upon which we could depend, for preserving us from Invasions and Insurrections; yet I can see no Reason for having that Army under such Regulations, as must keep both Officers and Soldiers under a Sort of slavish Submission to the Crown, and consequently to him who happens to be the favourite Minister at the Time; which will be the certain Consequence, if it should be once established as a Maxim, that Officers may be preferred, and even turned out of their Commissions, at the arbitrary Will of a Minister. This gives a Man such an arbitrary Power over the Army, that no Society ought to grant it even in Time of War; for it was this that enabled several Roman Generals to make use of the Armies of their Country, for conquering their Country, and at last enabled Julius Caesar, by the same Means, to subvert the Liberties of his Country. But to grant such a Power in Time of Peace, is not only quite unnecessary, but absolutely inconsistent with the Liberties of a free People; for so that Army must in some Measure be Slaves to the Crown, or rather to the Ministers of the Crown, it is not to be expected that they will long continue to have a Regard

for the Liberties of the People; and if the Army be sufficient for protecting the People, they must be sufficient for subduing and enslaving the People, as soon as their Superiors shall give them the Word of Command.

Our Liberties and Properties, Sir, depend upon the Laws of our Country, but it is by the military Force of the Country only, that those Laws can be made effectual; and if ever that military Force should happen to fall under an absolute Dependence upon those who have a Mind to render our Liberties and Properties precarious, our Laws will be of no Significance. Our Liberties and Properties therefore depend, at least, as much upon the Officers of our Army, as they can do upon our Judges. By Experience we know how precarious our Liberties and Properties were, whilst our Judges depended upon the arbitrary Will of Ministers; can we expect they will be secure, as long as the Officers of our Army are subject to the same Sort of mean and slavish Dependence? By the Act of Settlement we took Care to prevent, for the future, our Judges from being under any such Dependence, by enacting that their Commissions should be *quam diu se bene gesserint*, and that their Salaries should be established; and, if we must for ever hereafter keep up a certain Number of regular Troops, which I shall always call a standing Army, I think it is absolutely necessary for us to make the same Regulation with respect to the Officers of that Army. This, I say, Sir, is absolutely necessary for the Preservation of our Liberties and Properties; and, if ever we do make such a Regulation, I hope it will be made in such a Manner, as to put it out of the Power of our Judges to weaken it, by any Interpretation they can put upon it; for as they have, by their Interpretation, rendered their own Commissions more precarious than the Law, I am convinced, designed them, we can hardly expect they will shew a greater Regard for the Commissions of the Officers of our Army.

Whilst the Commission of every Officer of our Army, lies at the Mercy of an ambitious Prince or guilty Minister, and how many Princes can be said not to be ambitious, how many Ministers can be said to be innocent? I say, Sir, whilst this is the Case, we are exposed to the Danger of having our Liberties and Properties taken from us, not only against Law, but according to Law; for as there are now, as there always must be, a great many Officers in both Houses of Parliament, we can hardly expect that they will all either think or vote freely, when they know, that the Loss of their Commissions must be the Consequence of their thinking, or voting, contrary to the Sentiments of the prime Minister. If this were the Case, I believe few of them would make an Enquiry about the Right

Right or the Wrong of any Question; the only Enquiry would be, whether such a Lord, or such a Member, seemed to approve of it; and, the Prince or Minister would always take Care to have a proper Beacon in each House of Parliament, for directing his Officers how to avoid those Shoals, upon which their Commissions might be shipwreck'd; by which Means a guilty and rapacious Minister might ride triumphant over our Liberties and Properties, or an ambitious Prince might get such Laws passed, as would render both precarious.

I must, upon this Occasion, Sir, in a particular Manner, recommend the Case of our Officers to the Consideration of the Reverend Bench. None of them, I am sure, would vote against their Conscience for any Consideration; but, I hope, they will consider what Difficulties a reverend Prelate would labour under, if it were in the Power of a Minister to strip him of his Temporalities, in Case he should, upon any Occasion, take upon him to differ in Opinion from the Minister, and vote according to his own Conscience. Thank God! the Prelates of our Church are, by the Law, as it now stands, secured against being brought under such Difficulties; and if they were not, I am persuaded, they would, in such a Case, despise every earthly Consideration; but, the Officers of our Army are, and always must be, but Laymen; and therefore, they can never pretend to have such a Contempt for the Vanities of this World.

The antient military Force of this Kingdom, Sir, consisted in the Bravery and Discipline of our Men in general, and the Officers of our Armies were such as neither depended upon the Crown for their Support, nor for their Commands in the Army. They were generally such as held their Commands by their Tenures, or such as were chosen by their respective Counties. The chief Command only belonged to the King, and even in that, he was always obliged to depute some Person, who was not only a Man of great Fortune, but of a good Character in his Country; for, our Armies, in those Days, would not have submitted to the Command of a Man, who was suspected of being the mere Tool of a Court. It was by such Armies that we defended ourselves against foreign Invasions: It was by such Armies that we defended ourselves against Court Favourites, and thereby preserved our Liberties. What we now call our Militia, under the Command of the King's Lieutenants, is but a late Invention; which was never authorised by Parliament till after the Restoration, when every Thing, that could any way be pretended to as a Prerogative of the Crown, was agreed to and confirmed by Parliament.

Our Militia was then, 'tis true, Sir, put

under the absolute Direction of the Crown, but at the same Time, it was put under such Regulations, as have made it as useless as it is harmless; which really seems to have been the Design of some of those who were the Contrivers of that Scheme: They seem to have foreseen, that the Militia they were then about to establish, would be useless, and therefore, the Isles of *Purbeck* and *Wight*, which are the Places most exposed to Invasions, were excepted out of the Act, and continued upon their antient Footing. Whether the establishing our Militia in such a Manner, as to render it useless, was contrived by the Court, with a Design to make standing Armies necessary, or if it was contrived by the true Lovers of Liberty, because they could not stem the Torrent, which was then so strong, for granting the King an absolute Power over the Militia, I shall not pretend to determine; but this I will pretend to foretel, that if the whole military Force we provide for our Defence against Invasions and Insurrections, be put under an absolute Subjection to Court Favourites, they may for some Time defend us against Invasions and Insurrections, but we cannot expect that they, who are themselves Slaves, will defend our Liberties against the Incroachments that may hereafter be made upon them by Ministers and Court Favourites. For this Reason, if a standing Army be now the only military Force we can trust to, and therefore a Sort of military Force which must always hereafter be kept subsisting, we ought to make it as independent as that military Force was, which for many Ages was the Bulwark of our Liberties and Properties, against domestick as well as foreign Invaders.

But I am far from thinking, Sir, that it is necessary for us to keep a standing Army always in Pay, or that we can contrive no military Force, upon which we may depend for preserving us from Invasions and Insurrections. It is the keeping up of such an Army that has made the Disuse of Arms, and Neglect of military Discipline, so general among our People. While you keep up such an Army, it will be the Business of Courtiers, and of all those concerned in the Army, to prevent the People's providing themselves with Arms, or breeding themselves up to military Discipline; whereas, if you disband your Army, or a great Part of it, not only our Courtiers, but all those Gentlemen, who are now concerned in the Army, will be forced to join in such Measures, as may be effectual for encouraging all the Men in the Kingdom, or at least all Freeholders, Farmers, and substantial Merchants and Tradesmen, to provide themselves with Arms, and to breed themselves up to military Discipline. It is, in my Opinion, not at all impossible, to make it as infamous for a Man to be unprovided with Arms, or unacquainted with military Discipline,

pline, as it is now for a Gentleman to get the Character of a notorious Coward: Nor would this interrupt or diminish the Labour and Industry of any Man in the Kingdom; for even the most Industrious might make themselves thoroughly acquainted with the Use of Arms, and with military Discipline, if they would but spend one half of that Time in military Exercises, which they now throw away in idle and effeminate, or expensive and criminal Diversions; and this Method of passing away our leisure Hours, might easily be introduced even among the Vulgar, if our Courtiers and Men in Authority should once begin to make this their Practice, and that Practice should be followed, as it certainly would, by all the Nobility and Gentry of the Kingdom.

This Custom or Fashion, Sir, might be regulated, and even enforced, by proper Laws for that Purpose; and by such Methods the whole Militia of the Kingdom might, in a few Years, be made as good Soldiers, as any regular mercenary Troops that had never been in Action; for even a regular Army, kept in continual Pay, after a Peace of 20 or 30 Years standing, are properly nothing but a well disciplined Militia; and upon the first Rencounter will generally be found inferior to veteran Troops, who have been bred to Action, and inured to Danger; but it has always been found, that, after a little Experience, a well disciplined Militia, become more resolute and obstinate than mercenary Troops, and for this Reason they have always at last come off Conquerors, as appears from the Histories of all Wars that have been carried on between Militia of one Side, and mercenary Troops of the other. The *Grecians* carried on their Wars against *Persia*, by Means of their Militia; and at last beat the numerous mercenary Armies, and subdued the vast Empire, of *Persia*: The *Romans* carried on their Wars against *Carthage*, by Means of their Militia; and at last beat the mercenary Armies of *Carthage*, and destroyed that rich and populous City. But when the *Romans*, in order to support the arbitrary Power of their Emperors, began to put their whole Trust in mercenary Armies, their military Glory soon began to decline; and at last the *Goths* and *Vandals*, and other Northern Nations, by Means of their Militia, drove before them the mercenary Armies of *Rome*, and made that proud City submit to the Yoke, which she had, in former Times, by the same Means, put upon a great Part of the World.

From hence I must conclude, Sir, that ever the Militia of one Country proves inferior to the regular mercenary Troops of another, It must proceed from some Neglect of military Discipline and Exercises in the former, and not from the Nature of Things.

It is to a Neglect of this Kind, that we ought chiefly to impute the great Success *Hannibal* at first met with in *Italy*; for the best *Roman* Historian takes Notice, that their Affairs were never in a more slothful and effeminate Condition, than they were at the Beginning of the second *Punic* War; and to the same Sort of Neglect we ought to impute the Superiority, which regular mercenary Troops are now found to have over the Militia of every Country in *Europe*; because, in all Countries, where regular Troops are kept in continual Pay, the People will neglect to breed themselves up to Arms and military Discipline; and the Government, especially if it be a Monarchy, will industriously propagate that Neglect. Therefore, the Neglect of military Discipline among our People, in this Country, is so far from being an Argument for keeping up our Army, that it is a strong Argument for disbanding it, and for our applying ourselves seriously towards reviving that warlike Spirit among our People in general, which was in former Ages not only our Defence but our Glory. How this is to be done, I shall not now pretend to determine; but several Methods might be contrived for this Purpose. We had formerly a Court of Chivalry, which, as the learned *Cook* observes, had Cognisance of all Matters relating to Arms or War. I do not know, but that the reviving of that Court, and putting it under proper Regulations, might contribute to the reviving of that martial Spirit, which formerly prevailed among our People in general. Or, instead of the Bill now before us, which regards only our standing Army, we might have some Sort of martial Law to take Place at certain Times, or upon certain Occasions, and at those Times, or upon those Occasions, to comprehend all the Men in the Kingdom fit to bear Arms. These, or some such Regulations, might in a short Time make our Militia as good as regular Troops; but without Example, no Laws or Regulations can ever be effectual; and those in Authority will never set an Example, as long as they have such an Army as we have at present to trust to.

If all the Men in the Kingdom, or the greatest Part of those who are fit for Service, were as well disciplined, or but near as well disciplined, and as well provided with Arms, as our regular Troops now are, it must be granted, Sir, that such a Kind of military Force, would be a better Security against Invasions and Insurrections, as long as our Government preserved the Affections of the People, than any regular Army we can keep up; and the Assistance of our Militia, would then be as effectual for enabling the Civil Magistrate to execute any Laws that ought to be made, as the Assistance of regular Troops can be supposed to be; for even with respect

respect to regular Troops, if their Commanding Officer should order them to do what was disagreeable to a great Majority of them, it would probably occasion a Mutiny; the only Difference therefore is, that where Laws are to be executed by the Militia, the Government must take Care to enact no Laws, but such as are agreeable to the Majority of the People; but where the Laws are to be executed by a regular mercenary Army, and the People rendered effeminate and disarmed, for that Purpose, the Government has no Occasion to consider the Inclinations of the People, they consult only the Inclinations of their Army. It is a strange Doctrine in a free Country, Sir, to say, that because some Laws have been enacted, or some Things have been done, that are disagreeable to the People, therefore a numerous standing Army ought to be kept up, in order to compel the People to submit. This is a Doctrine, Sir, I shall never approve of: Even as to the drinking of Gin, if it could be no Way prevented but by a standing Army, I should be for leaving the People in Possession of that darling Liquor, rather than attempt to bereave them of it by such Means; for in that Case, an Army that could take Gin from them, could likewise, and probably would, take their Liberties from them also. But this is far from being the Case: Take but proper Methods, and every Man in the Kingdom will assist you in preventing the immoderate Use of that, or any other Sort of pernicious Liquor. The Morals and Habits of a People, Sir, are to be corrected by wholesome Advice and good Example, not by severe Precepts and rigorous Punishments. Let but the better Sort refrain from the immoderate Use of Spirituous Liquors, and the meaner Sort soon will. But, I am afraid you have taken the contrary Method: You seem to indulge the Rich in Excess, while you punish the Poor for the most moderate Use; like some *Romish* Priests, who sell Indulgences for the highest Crimes to those that can purchase them, but damn the Poor for the most venial Offences.

If any Laws have been made, Sir, which, by Experience, we find, cannot be executed, without the Assistance of a numerous standing Army, they must be altered, and other Methods taken for accomplishing that, for which they were intended. Do not let us make the People Slaves, in order to make them sober: Do not let us ruin the People, for the Sake of compelling them to pay their Taxes, or to pay the Turnpike-Duties, which in some Places, I believe, are more necessary for the Support of Luxury than for the Convenience of the Poor. The keeping up of a standing Army in Time of Peace is not only expensive, but has always been deemed in-

consistent with Liberty, and of the most dangerous Consequence, with respect to our present Establishment. Mr. *Trenchard*, who, I believe, understood the Nature of Government in general, and of our Constitution in particular, as well as any Gentleman ever did, has left it as his Opinion, *That the most likely Way of restoring the Pretender, is maintaining a standing Army to keep him out: And even that great Man*, who is supposed to have wrote against Mr. *Trenchard* upon that Occasion, and who was, in King *William's* Time, one of the chief Advocates for a standing Army, declares, *That any Man who would pretend to give a Jealousy of the Nation to the King, and suggest that he could not be safe among them, without he were environ'd with Guards and Troops, ought to be abhor'd by every true Englishman, by every Man who loves Liberty and his Country.*

From hence, Sir, we may judge, what that noble Lord, were he now alive, would think of some of our present Advocates for a standing Army. I am persuaded he would think they had a greater Concern for something else, than they had, either for the Liberties of their Country, or for the Preservation of our present Establishment; for, if he were now alive, I am convinced, he would be now as much against keeping up a standing Army in Time of Peace, as he was for it in King *William's* Time; because, there were then many Arguments for it, which do not now subsist. Our Army was then composed of Men who had all of them ventured their Lives, and many of them lost their Blood, in the Service of their Country, so that we were in some Measure obliged in Gratitude to provide for them. There was then an ambitious and warlike Prince upon the Throne of *France*, one who openly protected and supported the Pretender to our Crown, and one who had often shewn, that neither his Treaties nor Promises were to be depended on. The Peace of *Europe* then visibly, and I may say certainly, depended upon the Life of a Prince, I mean the King of *Spain*, who was, at that Time, both old and infirm. And there was then a most numerous and powerful Party of professed *Jacobites* in the Island.

To all which, Sir, let me add, that we are now above 30 Millions in Debt more than we were, at that Time, which ought to make us more cautious of subjecting the Nation to any needless Expence, than we had Reason to be at that Time; and, if we have the least Regard for the Inclinations or Satisfaction of the People, we ought to be more sanguine against keeping up a standing Army by Consent of Parliament, than any Man had Reason to be, when this Custom was first introduced. Some Laws or Res-

gulations may, at first, appear harsh to the People, but if they be either necessary or convenient, the People will, at last, perceive that Necessity or Convenience, and will then become fond of them. In King William's Time, some Gentlemen might have supposed, that this would have been the Case, with respect to the Parliamentary Sort of Army, which was then proposed to be kept up; but no such Thing can now be supposed; for after an Experience of 40 Years, the People, we find, are as much averse to the keeping up of such an Army, as they were at the Beginning; and an Experience of 40 Years is, I think, sufficient for convincing us, that the People will never become fond of keeping up a standing Army, in Time of Peace: They may be forced to submit to it; but that Force will render them generally dissatisfied, and at last disaffected, which will render the Security of our present Establishment inconsistent with the Security of our Liberties or Constitution; for, no Nation can be said to be free, after a standing Army has become necessary for keeping the People in Subjection.

The noble Lord was pleased to say, Sir, that no Army could be called a standing Army, but an Army kept up by a standing Law. If this were the Case, there never was, I believe, a standing Army in the World; I am sure there is no such Army now in Europe; but, every one knows, that a certain Body of Men regularly disciplined, and kept in Pay in Time of Peace as well as War, has always been called a standing Army. There is a very remarkable Difference between a standing Law and a standing Army. A standing Law, tho' it was at first made perpetual, tho' it should be observed for Ages together, yet it cannot say to the Legislature, you shall not repeal me; but an Army, tho' it was never designed to be perpetual, tho' it has been kept up but for a small Number of Years, may say to us, you shall not disband me, if you attempt to do so, I'll turn you out of Doors. We know this by Experience; and that Experience may convince us, that an annual Parliamentary Check, such as it is pretended we now have, would be of very little Signification against an Army sufficient, and that Army provided with a General resolved, to make the Parliament do whatever he had a Mind. Oliver Cromwell, and the Army under his Command, were faithful to that Parliament which established them, as long as the Parliament did nothing to displease them; but, as soon as the Parliament began to think of disbanding them, they immediately, and without any Garbling, rebelled against the Parliament, and at last turned it out of Doors. And with a Part of the same Army, we may remember, that General Monk, in

a few Months, and with but very little Garbling, dissolved the Rump Parliament, by whose Authority he at first pretended to act, and restored King Charles II.

From these Examples we may conclude, Sir, that it would be no very difficult Matter for an ambitious and artful Prince, with such a numerous Army as we have at present, to overturn our Constitution, by Means of his Army, before the Parliament could interpose that annual Check, in which we are now taught to place so great a Confidence; and, I must observe, that we are in greater Danger from an ambitious Prince or General at the Head of an Army of our own Subjects, than we can be in, from an Invasion; for such an Army, let their Designs be never so bad, will always have a great many Friends amongst, and will meet with great Assistance from, our own People; whereas, if a foreign Army should invade us, or be brought in, with a Design to subdue us, our People would join to a Man against such Invaders; and, while they enjoy their Liberties and Properties, they would certainly fight with great Obstinacy and Resolution, in Defence of those Liberties and Properties. But if we should be long saddled with a numerous standing Army, and the People continually dragged into Submission, by Means of that Army, they will, at last, look upon themselves as Slaves; and in that Case, it may be easy for an invading Enemy to conquer us; for, as the People will then consider, that they have neither Liberty nor Property to lose, they will think of nothing but of preserving their Lives by submitting to the Enemy; nay, they will probably expect an Advantage from any Change of Circumstances, at least, they will think they have got an Opportunity for revenging themselves upon their former Oppressors; and therefore, instead of opposing, they will join the Invader.

When there are so many, and so great Dangers to be apprehended from keeping up a standing Army in Time of Peace, I must think the noble Lord made a very wrong Application of the Quotation he made from a celebrated Roman Author; for, in my Opinion, Sir, it is applicable only to Ministers and their Favourites: If they are the only Persons that fear nothing from a standing Army, I am sure, this House and the whole Nation, have the greater Reason to fear. But now, Sir, suppose there were no Danger to be apprehended from keeping up a numerous standing Army, and suppose we could contrive no other Sort of military Force, upon which we could depend for our Defence against Invasions or Insurrections, yet it must be granted, that for the Sake of the Expence, no greater Army ought to be kept up than what is necessary; therefore we

bought to agree to the Reduction proposed; for, surely an Army of 12000 Men is now as sufficient for defending us both against Invasions and Insurrections, as an Army of 7000 was at the End of King William's Reign; which was the Number the Army was then reduced to in England; and if to that Number we add the regular Troops then kept up in Scotland, the whole amounted not to 10,000 Men; yet, notwithstanding the ticklish State of Affairs in Europe at that Time, this Number was found so sufficient for protecting the whole Island, that no Invasion or Insurrection was then so much as attempted.

This shews how great a Mistake it is to affirm, That every Reduction of our Army has been followed by an intended Invasion or Insurrection. Sir, this is so far from being the Case, that every Invasion and Insurrection we have lately had, or been threatened with, evidently appears to have been the Effect of some Discontents, that had been raised among our People, and those Discontents have always been occasioned by some extraordinary, tho' perhaps necessary, Measures, that were taken by our Government. The designed Invasion from Dunkirk in the Year 1703, proceeded from the Discontents that had been raised in Scotland, by the Union, which was, the Year before, concluded between the two Nations. The Insurrection in 1715 proceeded from the Discontents that had been raised, by some Measures that were taken upon his late Majesty's Accession; for, I am fully convinced, that, if the Advice of a noble Lord had been taken, who died soon after, and who was well known to have been a sincere and a true Friend, to the illustrious Family now upon our Throne; I say, if his Advice had been taken, if healing Measures had been pursued, and former Animosities forgot, upon his late Majesty's Accession, I am convinced, no such Thing as an Insurrection would have been so much as attempted; but other Counsels prevailed, we know who were the Authors of those Counsels, they were certainly the most just and the most necessary, but they raised such Discontents as made it easy for seditious Men to spirit some of our People up to Rebellion. The designed Invasion from Spain in 1718, proceeded from the Discontents that were then still reigning among our People: And the Plot, or designed Insurrection, in the Year 1721, proceeded from the Discontents that had been occasioned by the Misfortunes and Mismanagements in the Execution of the South Sea Scheme, in the Year 1720.

Thus it appears, Sir, that every Invasion and Insurrection we have lately been threatened with, proceeded from the Discontents, that

had been raised among the People; and if the keeping up of a greater Number of regular Forces, than is apparently necessary, may raise Discontents among the People, as I think, it necessarily must, we may conclude, that, with respect to Invasions or Insurrections, instead of being an Antidote, it will always be a Provocative. Now, as an Army of 7000, or, if you please 10,000 Men, has by Experience appeared to be sufficient for preventing Invasions and Insurrections, at a Time we were in as great Danger as we can ever be supposed to be in, unless when they are actually threatned, and Preparations making for that Purpose, every impartial Man must conclude, that an Army of 18000 is a much greater Number than is necessary at present; every Man that judges so, must of course become discontented; and therefore, not only for the Sake of the Expence, but even for the Sake of our future Security, against being threatned with any Invasion or Insurrection, we ought to make, at least, the Reduction proposed.

I am, indeed, of Opinion, Sir, that 12000 is rather too great a Number. Even such a Number may be of dangerous Consequence to our Liberties, if ever we should happen to have an ambitious and artful Prince upon our Throne. Nay, if our Militia were properly regulated and disciplined, I should be against keeping up half the Number; for General Monk, with less than half the Number, overturned the Government then established, and restored K. Charles II. and in that King's Reign, some People, we know, were of Opinion, that less than half the Number would be sufficient for establishing arbitrary Power, as appears from a famous Scheme, privately, 'tis said, offered to him, for bridling the Power of Parliaments, for loading the Nation with Excises, and for doing a great many other fine Things, mentioned at large in that Scheme. But, Sir, to make too great a Reduction at once, might be attended with many Inconveniencies, and perhaps with Danger; therefore, I think, the noble Lord was right in his Motion: I think a Reduction of 6000 is the greatest we ought to make at once; but it is not from thence to be inferred, that he, or any one that has seconded his Motion, is of Opinion, that no further Reduction ought ever to be made; for I do not think our Constitution and Liberties will ever be absolutely safe, until we return to our ancient Method, of making military Exercises the Diversion and Amusement of all Ranks of Men, and of making it the Custom or Fashion for all our Laymen at least, to breed themselves up to Arms and military Discipline; and if we can accomplish this, I believe, it will be granted, we would then have no Occasion for a standing Army, or for keeping a greater Number of regular Troops in garrison.

nual Pay, than was necessary for the Grandeur and personal Safety of our King and Royal Family.

The last that spoke in this Debate, was C. Plinius Cæcilium, who spoke in Substance thus.

*Mr. President,
Sir,*

I should perhaps be thought singular, if I did not follow the same Method that has been hitherto observed in this Debate; therefore, I shall make use of the same Privilege others have done before me, and assume that Character, which I think most proper, for what I am to say upon the Question now under our Consideration.

Sir,

IN this Debate, I think, it has been granted, on all Sides, that when there are great Discontents among the People, we are exposed to the Danger both of Invasions and Insurrections; and it has likewise been granted, that there are at present great Discontents among the People of this Nation; therefore it must, I think, be granted, that we are now in great Danger, not only of Insurrections, but of Invasions; and no Gentleman who has spoke in this Debate, has pretended to say, that we ought not to keep up an Army, or that we ought to reduce our Army, when we are in real and immediate Danger. But, say some Gentlemen, all the Discontents we now complain of, proceed from your keeping up such a numerous Army: Disband but your Army, say they, or a great Part of it, and the People will be satisfied. This, in my Opinion, Sir, would be like a Man's throwing away his Arms, in order to be reconciled with his Enemy; which, I am sure, no Man of Courage or Prudence would do: If a Man has any true Courage, or common Prudence, he will first endeavour at a Reconciliation; and when he is well assured, that his Enemy is sincerely reconciled with him, he will then lay aside his Arms, because he cannot then have an immediate Use for them.

Sir, if we were certain, that all our present Discontents proceeded from our keeping up an Army, and that all those that now appear discontented, would be satisfied, and would be sincerely reconciled with, and obedient to, our Government for the future, I should readily agree to the Reduction proposed: But the contrary, I think, is manifest. It is not from our keeping up an Army that our present Discontents proceed: It is not with our Government only, but with our whole Legislature, that the meaner Sort of People appear dissatisfied. The greatest Discontents that have appeared, the most frequent Riots

that have happened, have been occasioned by an Act of the whole Legislature, and one of the best Acts that was ever made, one of the most necessary for preserving both the Health and Morals of the People. Our Discontents and Riots occasioned by the erecting of Turnpikes are of the same Nature: They do not proceed from any Measures taken by the Government only; but from Measures that have been approved of by the whole Legislature. In both these Cases, the Discontents and Riots that have happened, or may happen, must be allowed to proceed from Measures that were proposed by those, who could have nothing in View but the Happiness and Convenience of the People; and what they proposed have met with the Approbation, not only of our Legislature, but of all the better Sort of People in the Kingdom: It is only among the very Dregs of our People, that these Discontents, and this Spirit of Mobbing and Rioting prevail; and, if you allow the Dregs of your People to prescribe to, or controul, the legislative Authority of the Kingdom, in Opposition to what is approved of by all those of a superior Rank, not only our present Establishment, but Government itself must be at an End: Anarchy and Confusion must ensue, and from that Anarchy, as has been once our Fate already, one of the worst Sort of Tyrannies will certainly spring up.

Thus, I think, Sir, I have shewn, that the Dissatisfaction that now prevails chiefly among our meaner Sort of People, does not proceed from our keeping up a numerous Army; and none of those Discontents which proceed from Disaffection, Disappointment, Malice, Envy, or Resentment, can, with the least Shadow of Justice, be attributed to our keeping any Number of regular Troops in Pay. These Discontents, 'tis true, may all of them be heightened by the Army we keep up at present: But how are they heightened, Sir? The Disaffected are angry with our Army; because, by Means of our Army, our Government is enabled to prevent its being in their Power to overturn our Religion and Constitution, by introducing Popery and Slavery. The Seditious are angry with the Army, because, by Means of the Army, our Government is enabled to prevent its being in their Power, to spread War, Bloodshed, and Desolation, over the Face of their Country; and the Loose and Abandoned are angry with our Army, because, by Means of our Army, our Government is enabled to prevent its being in their Power, to come easily at those pernicious Liquors, which give a new Spring to all their vicious Appetites, and which make it easy for them to draw Multitudes into the same lewd and debauched Course of Life. If our Army, or a great Part of it, were disbanded, can we expect that

either of these Sorts of discontented People, would be sincerely reconciled to the present Establishment and Laws of their Country? Can we expect that either of them would become quiet and peaceable Subjects? No, Sir: They would all think they had got an Opportunity for accomplishing their respective favourite Designs: They would probably join together, as the Triumvirate did at *Rome*, in endeavouring to destroy every Man of Religion or Virtue in the Country; and what might be the Consequence, I dread to think on.

I shall never therefore, Sir, be for disbanding or reducing our Army, as long as this Spirit of Disaffection, Sedition, and Dissoluteness, prevails among our People. It is this Spirit that makes the keeping up of our Army necessary. It is this Spirit that now makes a greater Army necessary, than in King *William's* Reign; for tho' there was then perhaps as much Disaffection as at present, there was little or no Spirit of Sedition among any, and much less was there a Spirit of Dissoluteness and Immorality among the meaner Sort of our People. We had then nothing to guard against but the Attempts of the Jacobites; and though there was then a greater Number of open professed Jacobites than now, yet their Attempts were less dangerous, because they avowed their Principles; whereas, many of our modern Jacobites have learned to disguise themselves, by assuming the Character of Lovers of Liberty, and Admirers of our antient Constitution. They then made their Attacks openly, but now they approach by the Saps, or endeavour to corrupt the Garrison; which is one Reason for shewing, that we now stand in Need of a greater Body of well disciplined Troops, to defend us against the Attempts, even of the Jacobites, than we did in King *William's* Time. But there is another, Sir, which, with me, is still of more Weight: In King *William's* Time, the Violences and Oppressions of the late King *James's* Reign were fresh in every Man's Memory: The Danger to which our Religion, our Liberties, and our Properties, had been exposed, was what every Man then knew by his own Experience. These Things are now generally known by Hearsay only; and therefore, we cannot expect that our People would now be so unanimous, or so zealous, in opposing the Attempts of the Jacobites, as they would have been in King *William's* Time. Besides, the late King *James* was then alive; and therefore no Attempts could be made, but in favour of the very Man who had oppressed us; and who, by his blind Bigotry, had brought us to the Brink of Destruction; whereas now the Person is changed, and from a new Person, the thoughtless Part of our People may be deluded into the Expectation of a new Sort of Conduct. For this

Reason, we cannot now expect that any but the prudent and thoughtful will be unanimous and zealous against all such Attempts; and they may be overpowered, if they are not supported by a sufficient regular Army.

But suppose, Sir, we had nothing to fear from any Party amongst ourselves, or from any Discontents now subsisting among our own People, yet, I should be far from thinking the present a proper Time for reducing our Army. We are not now, 'tis true, in actual War with any Potentate in *Europe*; but there is, I think, some Reason to suspect we are upon the Brink of it. As I am one of those who have a good Opinion of the Wisdom of our present Administration, I believe they will avoid a War, if possible; because it is against the Interest of this Nation to make Conquests, and therefore, against our Interest to enter into a War, if it can be avoided with Honour; but, the Behaviour of the *Spaniards* towards us has of late been of such a Nature, that we must insist upon Satisfaction; and tho' the Court of *Spain* has not yet denied it, yet we know, that a proper Satisfaction is hard to be obtained from any Nation; and considering the natural Haughtiness of the *Spaniards*, I believe, it will be found to be as hard to obtain a proper Satisfaction from that Nation as from any other; therefore, tho' we have still Hopes of being able to obtain Redress in a peaceable Way, I think it would be wrong in us to divest ourselves of those, or any of those Means, which are necessary for obtaining it by Force of Arms. This, I think, would be our Case, should we agree to the Reduction proposed; for we could not then, in my Opinion, spare to send one Man of our regular Troops out of the Kingdom; and, I believe, every one will grant, that in case of a War with *Spain*, it would be absolutely necessary to send some Land Forces along with any Squadron sent to infect their Coasts. Without such a Land Force our Navy could not do them great Prejudice; and therefore, the sending such a Land Force would be the only effectual Way we could take for procuring a speedy Compliance with our just Demands. A Reduction of our Army would therefore be a vast Disadvantage to us, in case our present Differences with *Spain* should, at last, come to an open Rupture; and, if it be our Interest to obtain Redress without coming to an open Rupture, as, I think it is, it is rather our Business to augment than diminish our regular Troops; for the Court of *Spain* will certainly be the more pliable, the more they are convinced of our being in a Readiness to revenge the Injuries we have met with.

As to the Regulations our Army is now under, I do not see, Sir, what Relation they can have to the present Question; and there-

fore, I do not think it necessary, to take much Notice of what has been said upon that Subject. Only I must observe, that ever since we have had such a Thing as a regular Army, it has always been under the same Regulations. Under these Regulations, it has procured us Security at home and Glory abroad; and hitherto we have not found the least Inconvenience from any of these Regulations; which are Circumstances that cannot, I think, afford so much as one good Argument for a Change; but, on the contrary, furnisheth us with one of the best Arguments that can be made use of against admitting any Change. The Officers Commissions must always be, in my Opinion, at the King's absolute Disposal; for, it is necessary, both for the Support of our Government, and for preserving Regularity and Discipline in the Army, to give the King a greater Power over the Officers of our Army than he has over our Judges or Clergy. There are many little Pieces of Oppression and Injustice, which Officers and Soldiers might be guilty of, in their Quarters and otherwise, which it is impossible to punish or provide against, by any human Laws civil or military. There are many little Pieces of Neglect or Misbehaviour in Duty, which it is impossible to prevent by any Law, or to punish even by a Court Martial. There is no Way of tying Officers down to that Behaviour, Diligence, and Regularity, which is necessary, both for the Quiet of the People, and the Perfection of military Discipline, but by making the Preservation of their Commissions, as well as their Preferment in the Army, depend upon the whole Tenor of their Conduct and Behaviour; and, there is no Way of doing this, but by leaving it entirely in the King's Power to determine, by the Advice of his Generals and superior Officers, what Gentlemen deserve to be preferred, and what Officers ought to be cashiered.

I am fully convinced, Sir, that the giving our Officers a legal Title to their Commissions during Life, or even establishing it as a Rule, that no Officer could be turned out of his Commission but by a Court Martial, would be the Cause of great Oppression upon the People, and would put an End to all Regularity and Discipline in the Army; and, I cannot but admire, that those who, for some Years, have pretended to think an annual Army so dangerous to the Liberties of the People, should ever be for establishing an Army for Life, which would properly be the Case, if the Commissions of our Officers were all declared, by Law, to be for Life. I shall readily grant, that this would take off a great deal of their Dependence upon the Crown, and might, perhaps, make it more difficult for a Minister to have any undue Influence, either in Parliament or at

Elections; but it would, I am afraid, render our Army so mutinous, and would make it so difficult and tedious to get any Officer dismissed, that the Army would, I believe, in a short Time, begin to prescribe Laws both to the Crown, and to the Parliament.

A I must beg Pardon, Sir, for having said so much upon that Subject, which, I think, no way relates to the Question now before us. The only Question now under our Consideration is, whether we ought to reduce our Army from 18,000 to 12,000 Men. Upon this Question, as well as in all other Affairs that come before us, every Member ought to determine from his own Knowledge, and by his own Judgment; and, as most of the Members now present, were last Session of Parliament of Opinion, that 18,000 Men were necessary for our Defence last Year, I hope they will, in this Session of Parliament, be of the same Opinion, with respect to the ensuing Year; for, I can see no Pretence for thinking our Danger from Invasions or Insurrections less than it was last Year; and as we have kept up the same Number for several Years past, without being sensible of the least Inconvenience, as we have all along enjoyed, by that Means, a perfect Tranquillity, I cannot be for giving up a Security, which, by Experience, we have found to be certain, on Account of any pretended Danger, which as yet can be called nothing but imaginary.

D I shall now, Sir, communicate to the Publick, a Debate which happened in our Club upon a different, but very curious Subject; which was occasioned in the following Manner. About the Beginning of May last, the Conversation happened to turn upon the most proper Methods of carrying on a War against Spain, in case our Negotiations should not have the desired Effect; and it was generally agreed, that the most proper Way for us to take, would be, to make as much use as possible of our Naval Force, and for that End, to give all possible Encouragement for our Seamen, to enter themselves on board his Majesty's Ships of War, and on board such Privateers as should be fitted out by private Adventurers. Upon this Occasion M. Cato said, he thought, that for this Purpose, an Act should be passed, for reviving some Clauses in two Acts that had been passed in the 6th Year of Queen Anne's Reign, which had been found to be of great Service in the last War. Several Members, particularly, M. Tullius Cicero, seemed to be of a different Opinion; and therefore M. Cato was desired, to make a Sort of Abstract of what he then proposed, and it was agreed, that the next Question to be debated in the Club, should be, Whether such a Law ought to be made upon the present Occasion? At next Meeting,

Meeting, *M. Cato* delivered the Abstract he had prepared, to the Club, and *L. Junius Brutus* spoke in favour of the Question, in Substance as follows, *viz.*

Mr. President,
Sir,

IN order to speak properly upon the present Question, I must suppose the Abstract now before the Club, to be a Bill presented to Parliament, in order to its being passed into a Law; and as I am to take upon me to explain it to you, and to give my Reasons for its being passed, I must suppose myself a Member upon this Occasion, and shall therefore speak in that Character.

Sir,

WHEN a Difference happens between two Nations, or when one Nation has been injured or insulted by another, and a War is like to ensue, it has always been held, that the best Method for obtaining an honourable Peace, is to provide for carrying on a vigorous War. The present Differences between *Spain* and us, are of such a Nature, as must very soon terminate in a new Treaty, or an open Rupture: The Pretences and Claims they have lately set up against us, are so groundless, and the Injuries they have done us, and do still continue to do us, under these Pretences and Claims, are so heinous, that we can no longer suffer them, I am sorry we have suffered them so long; therefore, if they do not forthwith agree to do us Justice in a peaceable Way, we must have recourse to Arms. Of this, *Sir*, we are so sensible, that we have in this Session of Parliament, already enabled his Majesty to provide for War, and have, in the most solemn Manner, declared, that we will support his Majesty in whatever Measures he may find necessary, for vindicating the Honour of his Crown, and for procuring Reparation to his injured Subjects, and Satisfaction for the Insults that have been put upon the Nation. This may contribute towards convincing the *Spaniards* that we are now in earnest, and may therefore contribute towards the Success of our Negotiations; but as the Contests between the two Nations are now brought to such a Crisis, that if we do not obtain an honourable Treaty, and I hope we will not accept of any other; I say if we do not obtain an honourable Treaty before next Session of Parliament, we must be involved in an expensive, and for what I know, a dangerous War; therefore, if there be any Laws or Regulations which may contribute towards our being able to carry on the War with Vigour, and which must have the Consent of Parliament, they ought to be agreed to before this Session expires; and of all the Regulations that can be thought of, I am of

Opinion, there are none more necessary, nor any that will contribute more towards our procuring an honourable Peace, or being able to commence the War with Vigour and Success, than the Regulations proposed by the Bill now before us.

In case of a War with *Spain*, *Sir*, the chief Way by which we can propose to injure them, or gain any Advantage to ourselves, must be by Sea; and the only Way by which they can propose to injure us, or to get any Benefit for themselves, must likewise be by Sea: The taking and plundering of one another's Ships, and the attacking of one another's Plantations in *America*, will probably be the principal Means made use of by each of us, for compelling the other to submit; therefore, we must not only have several strong Squadrons at Sea, for asserting our Dominion, and preserving our Superiority, upon that Element; but we must have a great Number of Cruizers, Convoys, and Guardships, for protecting our own Trade, and a great Number of Privateers for infesting theirs. This, I believe, will be admitted by every Gentleman who understands the Circumstances of the two Nations, and the Situation of our respective Dominions; and therefore, I think it must be admitted, that in case of a War, we not only ought to take all proper Methods to encourage Seamen to enter into his Majesty's Service, but we ought likewise to encourage private Adventurers, to fit out Privateers and armed Vessels, for plundering and annoying the Enemy. This, *Sir*, is what we have done in all the Wars we have hitherto carried on, and it is what we ought to do in every War we can be engaged in; because our principal Force lies in our Navy. At Land we are rather inferior to some of our Neighbours; but at Sea we are superior to all; and we ought, if possible, to bring every War we are engaged in, to be decided in that Way, in which our Superiority consists. Even the brute Beasts, we find, have recourse always to that Method of Attack or Defence, in which their Superiority consists; and by continual Practice and Exercise, we find, they improve it as much as they can.

Before the 6th of the late *Queen Anne*, *Sir*, the usual Methods we took for encouraging Seamen to enter into his Majesty's Service, and for encouraging his Majesty's Ships of War to take Prizes from the Enemy, was to give the Officers and Seamen, a certain Share of every Prize they should take; and the Method we took to encourage private Adventurers, to fit out armed Vessels for the same Purpose, was to give them the King's Commission, with a Grant of all Prizes they should take, reserving only such a Share for his Majesty. From these Regulations it became necessary to erect Prize Offices, which

were to have the Management and Sale of all Prizes taken, in order that they might settle and reserve his Majesty's Share, and divide the Surplus, among those that had a Right to it; but the Commissioners and other Officers concerned in these Offices, had such clammy Fingers, as all those concerned in publick Offices usually have, that the greatest Part of the Money that went through their Hands, stuck to their Fingers, so that the poor Seamen, Officers as well as Sailors, after they had perhaps ventured their Lives in taking a Prize, got but little, and sometimes no Share at all, of the Prize they had taken. This, Sir, greatly discouraged his Majesty's Ships of War, from giving themselves the Trouble to take any Prize; and it likewise discouraged private Adventurers from fitting out any Privateers, or being concerned in any such Projects; but the latter were under still another Disadvantage; for as the Admiralty were not obliged to grant Commissions but to such as they pleased, if the Adventurers had no Friend at the Admiralty Board, they were put to so much Trouble and Expence, before they could obtain a Commission, that they often gave over their Design, which discouraged them, and many others, from ever making any more such Applications.

These Inconveniencies, like many others, were long taken Notice of, before proper Methods were taken for preventing them; but at last they became so grievous, and in the last War we were concerned in, they were found to be of such mischievous Consequence, that they came under the Cognisance of Parliament, the Consequence of which was, that in the 6th of the late Queen Anne, a Law was passed, *For better securing the Trade of this Kingdom by Cruisers and Convoys*. By this Law, which was made to continue only during the War we were then engaged in, it was enacted, That if any Vessel should be taken by any Ship of War or Privateer, and condemned as Prize, the Officers and Seamen concerned in taking her, should have the sole Interest and Property in the Ship and Cargo so taken. By the same Act, proper Methods were laid down for managing and disposing of the Prize, and for dividing the Money arising from the Sale thereof, among those that had, and only ought to have, a Right to it, without subjecting our brave and honest Seamen to the Fees, Perquisites, and usual Purloinings of a publick Office; and as a further Encouragement for our Seamen, to weaken and distress the Enemy, by seizing and taking their Ships, a Reward of 5*l*. to be paid out of the publick Revenue, was given to every Man that was on board such Ship of War, or Privateer, at the Beginning of the Engagement; so that every Seaman had the Comfort to think, that if he was

killed in the Action, his Wife and Children, or his Executors, would be sure of getting something by his Death.

But this Affair having once been brought under the Consideration of Parliament, even this Law was not thought sufficient for the Encouragement of our Seamen, and for preventing the Abuses that had been put upon them; and therefore, Sir, another Act was passed the same Year, for encouraging our Trade to *America*, by which it was expressly enacted, That all Prize Offices should be suppressed; and that the Officers and Seamen of every Ship of War, should have the sole Interest in all Ships and Goods they should take in *America*, such Ships or Goods being first condemned by the proper Court as lawful Prize. By the same Act it was likewise enacted, That, during the War, the Lord Admiral, or Commissioners of the Admiralty, should, at the Request of any *British* Owner of any Ship, giving Security as usual, except for Payment of the Tenth to the Lord Admiral, grant Commissions to the Commanders of such Ships, for seizing Ships and Goods belonging to her Majesty's Enemies, in any Sea or River in *America*; and that the Ships and Goods so taken, after being adjudged Prize, should be divided amongst the Owners of, and Persons on board, the Ship that took them, according to the Agreement that had been made between the Owners and Ship's Crew. And, in order to encourage private Men, or Societies, to be at the Expence of attacking and making War upon the Enemies of their Country, it was by the same Law enacted, That her Majesty, during the War, might grant Commissions or Charters to any Persons or Societies, for taking any Ships, Goods, Harbours, Lands, or Fortifications, of her Majesty's Enemies in *America*, and for their holding and enjoying the same, as their own Property and Estate, for ever.

These Regulations, Sir, were found of great Benefit, during the remaining Part of that War; and, I am so fully convinced, that they will always be found of great Benefit, not only to the particular Persons concerned, but to the Nation in general, during every War we may hereafter be engaged in, that I am sorry they were not all made perpetual; which might then have been easily done, because it might have been enacted, that they should, at the Beginning of every future War, be revived by his Majesty's Proclamation, and that they should then continue in Force till his Majesty put a Stop to them by a new Proclamation. This, I think, Sir, was a Fault or an Oversight at that Time; and, as we are now in Danger of being involved in a War, before next Session of Parliament, we ought therefore, in this Session, to repair that Fault or Oversight;

fight; at least we ought to repair it conditionally, by enacting, that, in case of a War with *Spain*, these several Regulations should be revived. For this Purpose, and for this Purpose only, the Bill now before you was brought in; therefore, I hope it will be the more readily agreed to; for, as it is not a Bill for introducing any new Law, or for establishing any Regulation, of which we have had no Experience, as the only Intention of the Bill is, to revive some former temporary Regulations, that were found to be of great Advantage during the last War, it can occasion no Jealousy or Suspicion in any *British* Subject, nor can it give Uneasiness to any Man that wishes well to *Great Britain*. It may, indeed, give some Uneasiness and Concern to the Court of *Spain*; because it will convince them, that we are resolved not to be put off any longer with tedious Negotiations, or sham Treaties; that nothing will now prevail, but granting us immediate and full Satisfaction; and that if we send out any more Squadrons, it will not be to pay them a Compliment, but to pour down the Vengeance of *Great Britain* upon them. But this, Sir, is so far from being an Argument against the Bill, that it is a strong one in its Favour; for without going to War, it will be impossible to procure a speedy and honourable Peace, unless we convince them, that they have no Way to avoid a War, but by an immediate Compliance with our just Demands.

The Bill, as I have said, Sir, cannot, in my Opinion, give the least Alarm to any *British* Subject, or to any Man who has nothing but the Honour and Interest of *Britain* at Heart; but, as some Gentlemen that hear me, may not be fully acquainted with those Laws or Regulations which it is intended to revive, or with the Law relating to Captures or Prizes, as it stands at present, I must acquaint them, that as the Law now stands, the Officers and Seamen of any of our Ships that happen to take an Enemy's Ship, get but little Advantage by the Prize so taken, tho' some of them perhaps lost, and all of them ventured, their Lives in making the Capture. This has always been deemed a Disadvantage to the Nation in Time of War; because it makes our Seamen not so fond of attacking and taking Enemies Ships, as they would be, if the Whole of what they take were to be divided among them; therefore, the first Regulation established by this Bill is, That the Officers and Seamen concerned in the taking of any Prize, shall have the sole Property therein, in the same Manner as they had during the last four or five Years of the late War. This Clause contains nothing but a Revival of a like Clause in the Act, for securing our Trade by Cruisers and Convoys, which, as

I have said, was passed in the 6th Year of the late Queen, and which expired at the End of the War we were then engaged in. By another Clause in the Bill now before us, a Reward or Bounty of 5*l.* is given to every Man concerned in the taking of any Prize; and is likewise nothing but a Revival of a like Clause contained in the expired Law I have just mentioned. Neither of these Clauses can, I think, be objected to, because they were found to be of great Use in the late War, and will certainly be found to be of the same Use, in case we should now be obliged to enter into a new War.

As to the other Clauses in this Bill, Sir, they are only for reviving and extending some of the Clauses in the Act for encouraging our Trade to America, which, as I have said, was likewise passed in the 6th Year of the late Queen. I mean, that for encouraging private Adventurers to fit out Ships for taking and seizing the Ships and Goods belonging to our Enemies; and, that for encouraging private Men or Societies to be at the Expence of attacking and taking from our Enemies, some of their Lands, Forts, or Harbours; both which may be of great Service in case of a War, because the Enemies of the Publick may thereby be weakened and distressed, without putting the Publick to any Expence; which, I think, is one the most prudent Methods of making War; and, I may, with the more Confidence say so, because

it was a Method taken by our glorious Queen *Elizabeth*, in the War she had with the same Nation, against which, we are now in some Likelihood of being engaged. When that glorious and wise Queen was at War with the *Spaniards*, instead of loading her People with Taxes for the carrying on of that War, she found, by the Assistance of Admiral *Drake*, a Set of private Men in *England* and *Holland*, who, at their own Expence, in Hopes of reimbursing themselves by the Plunder they should meet with, fitted out a Fleet of upwards of 100 Sail of Ships, with 12 or 14,000 Land Forces on board, with which they invaded *Spain* itself, took and plundered several of their Towns, and would have taken the rich City of *Lisbon*, which was then in the Hands of the *Spaniards*, if it had not been for an Accident. In this Expedition, neither the Queen, nor the Publick, was at any Expence, nor did either of them contribute any Thing towards it, except a few Ships of War, which the Queen lent to the Undertakers. This shews what great Things may be done, by private Adventurers, when properly encouraged, and how necessary it is for the Publick, to countenance and authorize all such Undertakings.

Thus, Sir, I have briefly explained to you the Nature of the Bill now before us; and, from what I have said, it will appear, that,

if

if we come to no Rupture with *Spain*, there is nothing in the Bill that can take any Effect. In this Case, it can do us no harm, but may do us good, by convincing *Spain* that we are in earnest, and thereby forcing them to come to a speedy Accommodation of all the Differences now subsisting between the two Nations. Whereas, on the other hand, if we should be obliged to declare War, or begin Hostilities, before next Session of Parliament, the passing of this Bill into a Law this Session, will be of great Service to us; because it will encourage our Seamen to enter immediately into his Majesty's Service, and it will likewise encourage private Adventurers to send out Privateers as soon as War is declared, or Hostilities begun: Both which, must be of greater Advantage at the Commencement of a War, than they can be after the War has been for some Time carried on; because our Enemies will then be more upon their Guard, and better able to repel an Attack, than they can be supposed to be at the Beginning of a Rupture. By encouraging our Seamen to enter voluntarily into his Majesty's Service, we shall not only put it into the Power of our Government to fit out a powerful Squadron in a few Weeks, perhaps in a few Days, after they have resolved to begin Hostilities or to declare War; but, we shall also, in a great Measure, prevent our being obliged to have Recourse to that destructive Method of Pressing, which is so inconsistent with our Constitution, so hurtful to our Trade, and so oppressive upon our Seamen. who are, I may say, the most useful Part of our People.

Another Argument, Sir, and I think a very strong one, for passing this Bill, is, that it will encourage such of our Seamen as are in foreign Service, to return to their own Country. They will from thence conclude, that we are to fit out no more peaceable Squadrons, nor to make any more *Spithead* Expeditions: They will suppose that both Riches and Glory may now be acquired in the Service of their native Country; and therefore they will return, as soon as they can get an Opportunity. If there be any of them in the Service of *Spain*, and, I'm afraid, there are too many, they may get an Opportunity of returning from thence, before a War breaks out; but if we give them no Encouragement to return before the War is actually begun, it will then be impossible for them to return to the Service of their Country; they must continue in the Service of *Spain* against their Country; and they will certainly be the most useful Men the *Spaniards* can employ, in such Expeditions as they may make against any of our Settlements in *America*, or against any of our other Dominions.

These, Sir, are a few of the Advantages that will accrue from our passing this Bill into

a Law; but if it should be refused, now it is brought in, we may easily foresee the Consequence of such a Refusal. The Court of *Spain* will be convinced, or at least will believe, that we dare not resent the Injuries we have met with, or insist upon any effectual Security against our meeting with such for the future; therefore, they may very probably refuse giving us Reparation for what is past, or Security in Time to come; so that by endeavouring to avoid a War, or by not providing for it, we shall draw ourselves into it; and what is still worse, when we come to find a War necessary, when we have actually resolved upon it, none of our own People will believe us, nor will any of our Seamen enter voluntarily into the Service of their Country: They have been of late so often amused with Preparations and Expeditions, which have ended in nothing but exposing them to the Ridicule of their Enemies, that, if we were to fit out a Squadron with the firmest Resolution to send it upon immediate Action, I believe very few Seamen would enter themselves voluntarily on board, which would make our Preparations so languid and tedious, that, instead of giving a fatal Blow at the Beginning, we might probably meet with one.

I therefore hope, Sir, the Bill will meet with no Opposition, and I have the more Reason to hope so, because I cannot so much as suggest to myself any one reasonable Objection that can be made to it. But, if there be any Gentleman in this House, whose Invention is more fertile than mine, and if any such Gentleman should offer some feasible Objections against it, the Hon. Gentleman, who first mentioned this Bill, and several others, who, I know, are Friends to it, are more able to give them an Answer than I am; therefore, I shall not forestal the Debate, by starting and answering some trifling Objections that may, perhaps, be suggested against its being passed into a Law this Session of Parliament.

The next Speech made in this Debate, which I shall communicate, is, that which was made by the Right Hon. M. Tullius Cicero, who assumed the same Character the Gentleman that spoke first had done, and spoke to this Effect, viz.

Mr. President,
Sir,

AS I am fully apprized of the many Violences and horrid Cruelties that have been committed by some of the *Spanish Guarda Costa's* in *America*, as I am fully sensible of the Dishonour that would be reflected upon his Majesty's Crown and Dignity, and of the Contempt that would be brought upon the Nation, if those Violences and Cruelties should be allowed to pass unpunished,

punished, it is with the utmost Reluctance I stand up to oppose any Measure, that has but a seeming Tendency towards procuring us that Reparation and Satisfaction, we have so just a Title to insist on; but when I hear a Measure proposed, which must inevitably and immediately plunge us into an expensive, a dangerous, and a destructive War, or which must, at least, make it extremely difficult, if not impossible, to obtain any Satisfaction in a peaceable Way, I should think myself deficient in that Duty which, from the Station I have the Honour to be in, I owe to his Majesty, I should think myself deficient in that Duty which, as a Member of this House, I owe to my Country, if I did not give my Reasons against such a Proposition; especially, when I think, that it must expose us to many other Inconveniencies, besides that of involving us into an immediate War, and can answer no good End, but what may be easily attained, without our agreeing to any such Proposition.

When we talk, Sir, of the Depredations committed by the *Spanish Guarda Costa's* in *America*, I find, Gentlemen are very apt to attribute them to the whole Nation of *Spain*. They talk as if these Depredations had been authorized, or at least approved of, by the Government of that Kingdom; whereas, it does not yet appear, that the Government has so much as connived at any of them, nor has the Court of *Spain*, as yet, refused to order Restitution, in any one Case where the Seizure has been made appear to be unjust. There is, therefore, Room still left for Negotiation; and if we can obtain, by peaceable Means, the utmost we can expect by Force of Arms, I am sure no Man of common Prudence, unless he has some other View than that of the Good of his Country, would advise us to provoke the Kingdom of *Spain* to a War. I hope I have always shewn myself as jealous of the Honour of my Country, and as zealous for asserting it upon all Occasions, as any Man ought to be; but I must upon the present Occasion think, that we have already testified sufficiently our Zeal for the Honour of the Nation, and our Concern for the Sufferings of our Merchants and Seamen. We have already addressed his Majesty to use his utmost Endeavours for obtaining Reparation to our Merchants, and Satisfaction to the Nation. We have promised to support his Majesty in whatever Measures he may find necessary for that Purpose. We have even made some Provision for a War, in case it should be found necessary; and in consequence of what we have done, we can make no Doubt, but that his Majesty has sent Orders to his Minister at the Court of *Spain*, to insist upon a full and speedy Satisfaction. Our Zeal and Unanimity in the Resolutions we have already come to, will probably open the

Eyes of the Court of *Spain*. If they have been blinded by the Friends and Partisans of those who have injured us: If they have been made to believe, as they certainly have, that the Facts, as represented by our Merchants, were not true, and that few or no *British* Ships have been seized, but such as had been concerned in some illicit Trade; they will, from the Resolutions we have come to, begin to doubt of what they have been told by their own People. This will make them enquire more strictly: Upon that Enquiry they will find out the Truth; and when they do, we have some Reason to expect, they will agree to what we have proposed, rather than engage in a War, which, upon their Side, even they themselves must conclude to be unjust.

Thus, Sir, we may repair the Honour of the Nation, by obtaining a speedy and full Satisfaction, and that in a peaceable Way; and while we have any Hopes of being able to do so, we ought not to hurry ourselves into such Measures, as may render it impossible. We must suppose, that other Nations are as tender of their Honour as we are: Those who have Occasion to be often about the Persons of Princes, know how jealous they are of their Honour, and how apt they are even to misconstrue any Thing that can, in the least, look like an Indignity. This, Sir, will, in my Opinion, be the Case, if we should pass this Bill into a Law. The Court of *Spain* will look upon it as an Indignity put upon their Crown. They will look upon it as a Sort of Challenge or Defiance; and they will then of course, think it inconsistent with their Honour to offer any Satisfaction, or to agree to what they would perhaps have otherwise agreed to without Hesitation. Even supposing they are now well inclined towards us, and fully resolved to give us the most solid Satisfaction, as soon as they can be convinced of the Justice of our Complaints, and of the Reasonableness of our Demands, yet if they should once begin to imagine, that the Methods we take for obtaining Redress, are of such a hectoring Nature, as to make it inconsistent with their Honour to comply with our Demands, we cannot expect they will ever comply with them, unless they are, by the Fate of War, forced to submit to any Terms we may please to prescribe.

But on the other hand, Sir, supposing they are now resolved not to do us all the Justice we have a Right to insist on, nor to come to any Treaty with us upon equal Terms, will our agreeing to this Bill any Way contribute towards making them alter their Resolution? So far otherwise, Sir, that, in my Opinion, it will contribute towards rendering them, not only more obstinate with respect to the Demands we make upon them, but

but more unreasonable in the Claims they have or may set up against us; because it will attach their Friends more closely to their Interest, and prevent our Friends from giving us any Assistance. Nay, I do not know, but it may make some of our best Friends join with them against us: I do not know, but it may unite the greatest Part of *Europe* in a League against us; and in that Case, it would be out of our Power to procure any Reparation for what is passed, or any Security in Time to come, either by Negotiation, or Force of Arms; for even the most sanguine amongst us will not, I believe, pretend to say, that we are able to stand, single and alone, against the united Force of *Europe*. That this may be the Effect of our agreeing to the Bill now before us, will, I think, appear evident to any Gentleman, that considers the Import and natural Consequences of the very first Clause of the Bill; which leads me of Course to examine the several Clauses particularly; and this I shall do regularly, as they now stand in the Bill.

By the first Clause, Sir, it is proposed to be enacted, That after a Declaration of War, the Property of all Prizes shall be absolutely vested in the Captors. Now, suppose a Squadron of his Majesty's Men of War, or a Squadron of armed Vessels, fitted out by private Men, or by a Society, (suppose, by the *Jews* of this Kingdom) should, after a Declaration of War, meet with and take one of the *Spanish* Plate Fleets returning to *Europe*, by this Clause, the whole Property of that Fleet, both Ships and Cargoes, would belong to the Captors, without its being in our Power to return one Shilling's Worth to the first Owners. After making this Supposition, which is a very natural one, let us consider, Sir, that the Subjects of *Spain* have generally but a small Share, seldom a Fifth, sometimes not a Tenth, of the Money or Effects on board any of those Fleets: Even the Merchant-Ships themselves, tho' built or purchased in the Name of the *Spaniards*, are chiefly the Property of other Nations. Next, let us consider, that the Foreigners concerned in those Fleets, are principally *French*, *Dutch*, or *British* Subjects. As the Law now stands, his Majesty could separate the Property of his own Subjects, and also the Property of the Subjects of those Nations then at Peace with us, from the Property of the King and Subjects of *Spain*; in order to confiscate the latter, as he might justly do by the Laws of War, and to return the former, as he ought to do by the Rules of Equity and Friendship: But if this Bill should pass into a Law, he could make no such Separation, nor any such Restitution.

What the Consequences of this would be, Sir, I tremble to think on. As to the *French*, they would certainly reclaim their

Property by Force of Arms. Nay, if this Bill should pass into a Law, they would immediately take the Alarm, and might perhaps, join in an Alliance against us; and, if the *Dutch* did not take the same Course, they would, at least, refuse to give us Assistance, in a War, by which their Subjects must be so great Losers. The least fatal Consequence we can apprehend, by passing this Bill into a Law, is, that the next *Spanish* Plate Fleet, and every such succeeding Fleet, would be brought home under the Convoy of a *French* Squadron; and, if any Squadron of his Majesty's Men of War, or any Squadron of Ships of War, fitted out by private Adventurers of this Kingdom, which, by another Clause in this Bill, we could not prevent, should attack the *French* Squadron, serving as Convoy to the *Spanish* Plate Fleet, we must expect that *France* would immediately declare War against us: I have as good an Opinion of the Power of this Nation, and of the Bravery of our Men, either by Sea or Land, as any Man can have. I believe, we would be an Overmatch for *Spain*; because, by the Superiority of our Fleet, we might do them infinite Mischief, and at the same Time prevent its being in their Power to do us any great Damage: But I cannot believe, that, without one Ally to assist us, we could carry on a War both against *France* and *Spain*; especially, considering the Diversion they might give us, by throwing the Pretender, with a few Troops, into any Port of *Britain* or *Ireland*.

But suppose, Sir, that neither the *French* nor *Dutch* had any Share in the *Spanish* Plate Fleets, yet, 'tis certain, our own Subjects have always a very considerable Share; and, I hope, I may be allowed to say a Word in Favour of our own Merchants; I hope, I shall not gain any ill Will, or popular Resentment, by pleading the Cause of our *Spanish* Merchants, who have for many Years returned, and who at this present Time, I believe, do return, yearly, large Sums in Bullion and *Spanish* Coin to their native Country. As the Law now stands, if any *Spanish* Ship, in which they have a Concern, should be taken after a Declaration of War, his Majesty could separate their Share from the rest, and return it to them; but, if this Bill passes into a Law, they must be ruined; and for what? For being concerned in a Trade, by which they acquire great Riches to their Country, as well as themselves; which, I think, would be a most extraordinary Piece of Injustice, as well as bad Policy, unless we had given them timely Warning, not to be any farther concerned in that Trade.

I must likewise, Sir, upon this Occasion, shew some Regard to the *Dutch*, and especially, to our *British* Insurers, which, I hope,

hope, some who hear me will not take amiss, notwithstanding the Share they seem to have had in the drawing up of this Bill.

'Tis well known, that most, if not all, of the Ships that sail to and from the *Spanish* Settlements in *America*, are insured either here or in *Holland*; and therefore, the seizing upon, and confiscating them, immediately after a Declaration of War, would be a greater Loss to our own People, or to the Subjects of the States General, than to the Subjects of *Spain*; and, it would be a Loss they would be exposed to without any Fault in them, and without its being possible for them to foresee or prevent it; for it is impossible for private Men to have, it is impossible to give them, any previous Notice of a Declaration of War. Nay, according to the modern Practice, War is generally made before it is declared: Hostilities of some Kind or other, are usually now made the first Signal of a Rupture.

What I have said, Sir, will, I hope, sufficiently shew the Danger and Inconveniencies, that must ensue from our agreeing to the first Clause of this Bill; and, I can see no present Necessity for our exposing ourselves to such Dangers or Inconveniencies. 'Tis true, we had once such a Law. I know, that, during the last four Years of the late War, such a Law was actually in Force; and, I do not remember, that it was attended with any Inconvenience, or accused of any Injustice. This may, perhaps, have Influence upon some Gentlemen, and therefore, I must beg leave to shew, that we are now in very different Circumstances. When that Law was passed, both the *Dutch* and we were in actual War with *France* as well as *Spain*, and had been so for six Years before; therefore, we could not suppose, that either our own or the People of *Holland* had then the least Property on board any *Spanish* Ship; and we had as good a Right to seize and confiscate the Effects of *French* Subjects, as we had to seize and confiscate the Effects of those of *Spain*. But the Case is now very different: We are at no War with *France*, nor can probably be, unless we bring it upon ourselves, by agreeing to this Bill; and the *Dutch* may not be engaged in a War with *Spain*, when we are. To this I must add, that the Law is now to begin to be in Force at the very first Commencement of the War, so that neither our own, nor the People of any other Nation, can have Time to withdraw their Effects from the Nation against which we declare War, nor are we to give them the least Warning or Notice, not to trust their Effects on board the Ships of that Nation. We have, I grant, by the Laws of War, a Right to seize the Ships of our Enemies, and to confiscate to our own Use, all the Effects that are found on board; but, we ought not to make a Prey of our Friends, and far less of our own People, till after they have had

sufficient Notice of the Rupture. If we do, I must think, we do them a Sort of Injustice; and it is a Sort of Injustice, which could not be in the least complained of, when such a Law as this was passed, during the late War; because, that War had been carried on for six Years, before we made any such Law, and consequently, no Man could say, he had not had sufficient Notice of the Rupture, and sufficient Time to withdraw his Effects from the Countries we were then at War with. But in the present Case, we are not, it seems, to give any Man the least Warning. Friend and Foe, Alien and Freeborn, are all to forfeit their Goods and Effects the Moment the War is declared, if they be found by us on board any of the Enemy's Ships, or in any of the Enemy's Dominions. This would be unjust upon the first breaking out of any War, but it is still more so in the Case of a Rupture with *Spain*; because of the long Time that is necessary for a Man's getting his Effects from their Dominions, or from on board their Ships; for I must observe, that Goods are often loaded on board the *Spanish* Gallies or Flota, both in *Europe* and *America*, several Months before their Departure; and if they are loaded, or ordered to be loaded, in the *West Indies*, it requires yet a much longer Time for a Merchant in *Europe*, to send Counter Orders to his Correspondent in the *Spanish* *West Indies*; so that the Goods of our Friends may be loaded, or ordered to be loaded, on board the Gallies in *New Spain*, before there is the least Sign of a Rupture between the two Nations; and yet a War may be declared, nay, several Months declared, before those Goods can be brought home or countermanded, which renders the confiscating of them the more inexcusable.

I now come, Sir, to the next Clause in the Bill under our Consideration, by which a Reward or Gratuity of 5*l.* is to be given to every Man concerned in the taking of any Prize. This, Sir, I cannot find Fault with; for in this Age, I doubt much if we could find many that would be ready to venture their Lives, for the Sake of Glory, and the Love of their Country only. Our Seamen would, I believe, be as ready to do so, as any other Set of Men whatever; but even with respect to them, I believe, that in such Cases, it would be necessary to give them some certain Prospect of Advantage; and, I can think of no Inconvenience such a Regulation as this would be attended with, but a small Addition to the publick Expence, which, I believe, would be fully recompensed by the Advantage the Publick would reap, from giving them such Encouragement; therefore, if the Hon. Gentlemen will confine their Bill to this Clause only, I shall now promise them my Concurrence.

But as to the two other Clauses, Sir, I am of a very different Opinion. They would both, I think, be attended with great Inconveniences. In case of a War, it would, indeed, be proper to encourage private Men to fit out Privateers, and for that Purpose to give Commissions to most of those who should apply for them; but I am far from thinking it proper, to give private Men a legal Title to insist upon having such Commissions, or to make it necessary for the Admiralty to grant such Commissions, to every private Man that might please to apply for one. There might be private Reasons for not granting Commissions to some Men, which could not be declared nor pleaded in a Court of Justice, as an Excuse for not complying with what the Law directs. From the Experience we have had of the *Spanish Guarda Costa's*, we know how inconvenient it is, to grant Commissions to private Adventurers; for most of the Irregularities, and, I believe, all the Cruelties, that have been committed by them, were committed by those *Guarda Costa's*, that had been fitted out by private Men. The Case would in all Likelihood be the same, if we should grant Commissions indiscriminately to every Man that pleased to apply for one: Some Men might make use of those Commissions for plundering our Friends as well as our Enemies: The Commissioners of the Admiralty might have good Reasons for being convinced, that this was their Design when they applied for them; and yet those Reasons might be such, as could not be proved to the Conviction of a Jury. Therefore, I think, we ought to leave the Law in this Case as it stands at present: We ought to leave a discretionary Power in his Majesty, to grant or refuse such Commissions, when or to whom he pleases.

Then, Sir, as to the last of these two Clauses, by which it is proposed to be enacted, That his Majesty may grant Commissions or Charters to any Persons or Societies, to seize upon, take, and enjoy as their own Property, any Lands, Fortifications, or Harbours, belonging to the Enemy, I think it will not only be attended with many Inconveniences, but it will, in my Opinion, be inconsistent with some of the Treaties we are now engaged in. By the 8th Article of the Treaty of *Utrecht* between Spain and us, it is expressly stipulated, — “That neither the Catholick King, nor any of his Heirs or Successors whatsoever, shall sell, yield, pawn, transfer, or by any Means, or under any Name, alienate from them and the Crown of Spain, to the French, or to any other Nation whatever, any Lands, Dominions, or Territories, or any Part thereof, belonging to Spain in America. On the contrary, that the Spanish Dominions in the *West Indies* may be preserved whole and en-

tire, the Queen of Great Britain engages, that she will endeavour, and give Assistance to the Spaniards, that the antient Limits of their Dominions in the *West Indies* be restored, and settled as they stood in the Time of the abovesaid Catholick King, Charles II, if it shall appear that they have in any Manner, or under any Pretence, been broken into, or lessened in any Part, since the Death of the abovesaid King Charles II.” — Which Article is confirmed and enforced by the first separate Article of the same Treaty, in these Words, — “It is further agreed by this separate Article, which shall be of the same Force as if it was inserted Word for Word in the Treaty this Day concluded between their Royal Majesties, that since his Royal Catholick Majesty is stedfastly resolved, and does solemnly promise by these Presents, that he will not consent to any further Alienation of Countries, Provinces, or Lands of any Sort, or wherever situate, belonging to the Crown of Spain; her Royal Majesty of Great Britain does likewise reciprocally promise, that she will persist in those Measures and Councils, by which she has provided and taken Care, that none of the Parties in War shall require or obtain of his Catholick Majesty, that any further Part of the Spanish Monarchy be torn from it; but that any new Demand of that Kind being made, and the same refused by his Catholick Majesty, her Royal Majesty of Great Britain will use her Endeavours, that such Demands shall be receded from.”

From these Articles we may see, Sir, that not only the King of Spain is obliged, not to yield or transfer any Part of his Dominions in America to any Nation whatever, but we are obliged to use our Endeavours, that he shall not be forced to yield or transfer any Part of them; and as the same Stipulations were entered into at that Time between him and the Dutch, the Dutch and we are a Sort of Guaranties mutually against each other; so that we cannot attempt to make any Conquests in the Spanish West-Indies, without breaking with the Dutch, no more than they can attempt to make, without breaking with us; and, I hope, it is not proposed that we should make any Conquests in Old Spain.

For this Reason, Sir, if his Majesty should grant any such Charters or Commissions, as are intended, by this Clause, the very granting of such, might be look'd on by the Dutch as a Breach of our Engagements with them; and, as all the Parties concerned in the Treaty of *Utrecht* were respectively and mutually Guaranties to one another, some others of them would look upon any such Grant in the same Light. But this is not all, Sir: The passing of such a Law, would either lay his Majesty under a very great Difficulty, or it might render it impossible for Spain and us, etc

ever hereafter, to agree upon a solid and explicit Treaty of Peace; for, if his Majesty should, in Pursuance of the Law, grant such Charters, and if, during the War, the People to whom such Charters had been granted, should seize upon, and take Possession of, any Part of the *Spanish* Dominions in *America*, this Clause would render it impossible for his Majesty to restore, by any future Treaty, the Dominions so seized upon. Such a Restitution could then be made only by Act of Parliament, and by granting the Proprietors an Equivalent out of the Publick Revenue, according to the Value they might put upon their Property, which, upon such an Occasion, they would value at a most exorbitant Rate; so that, even by Act of Parliament, it might be almost impossible to restore the Dominions so seized; and the Engagements the King of *Spain* lies under with the other Powers of *Europe*, as I have before mentioned, would render it impossible for him to yield them to us in explicit Terms. For this Reason, tho' this Clause should be passed into a Law, we cannot suppose that his Majesty would grant any such Commissions or Charters; and, his refusing to grant any such, would raise a Clamour against him, or at least against the then Administration. It would be said, that they had refused to do that which would most effectually distress the Enemy, and which would redound most to the Advantage of this Kingdom; that the Ministers got great Advantages by the Continuance of the War, and that therefore, they prevented our People's taking those Methods, which would certainly prove most effectual for bringing it to a happy and speedy Conclusion. This I would advise some Gentlemen, who seem to be Favourers of this Bill, to take particular Notice of; for, they do not know what Stations they may, at that Time, be in: They may, for what they know, be laying a Trap for their own Undoing, or at least for perplexing their own Administration; and, therefore, I hope, they will excuse me for offering them my Advice upon this Occasion, which, however they may take it, I can assure them is sincere.

Having thus shewn the Dangers and Inconveniencies we may be exposed to by passing this Bill into a Law, I must next observe, Sir, that there is not any one good End proposed by this Bill, but what may be easily attained by the Law, as it stands at present, except that of the 5*l*. Reward to those that may be concerned in the taking of any Prize; for, as to the End proposed by the first Clause, we know, that all Prizes taken from the Enemy belong to his Majesty, and he may grant them, as an Encouragement, to the Captors. This has actually been the Custom for many Years, and in case of a War, his Majesty would certainly comply

with this Custom. What really belonged to the Enemy, he would certainly grant to those concerned in taking the Prize; which is all that in Justice he could claim to himself, and all that in Justice can be given even by Act of Parliament, before giving our Friends a sufficient previous Notice, as I have before observed. This, I believe, would be a sufficient Encouragement for our Seamen, and would be as effectual for making them enter into his Majesty's Service, or return to their native Country, as if you did it by Act of Parliament. They all know, that this is the Custom; they with good Reason expect, that his Majesty will follow this Custom in any future War; and therefore, there is not the least Occasion for giving them any Title by Law, to what they may be able take from the Enemies of their Country. It would be a Sort of Disrespect to his Majesty to do so; because, it would shew a Diffidence in his Conduct. As to the granting Commissions to private Adventurers for fitting out Privateers, we likewise know, that his Majesty may do it without any Law for that Purpose, and certainly would, at least, to all such as he could be assured would not make a bad Use of them. And as to Commissions for seizing upon and appropriating any of the *Spanish* Territories in *America*, I have already shewn, that no such ought to be granted. It would be inconsistent with the Engagements we are under, it would be inconsistent with the Hopes of Peace, and farther, it would be inconsistent with Prudence and good Policy. We have already as many Territories in *America* as we know well what to do with; and the seizing upon any of the *Spanish* Territories, might excite the Jealousy of the other Powers of *Europe*, and make some of them join with *Spain*, in order to give a Check to the Increase of our Power.

I have now given my Reasons for being against our agreeing to this Bill: I think, Sir, they are of some Weight; but, I shall be ready to alter my Opinion, if I hear the Objections I have made fully answered. It is for this Purpose I have explained them to you; and, I have the Pleasure to think, that in this Affair, I cannot be misled by any false Prejudice or rash Opinion of my own; for, if my Objections can be answered, I am sure, some of the Gentlemen, who seem to be Friends to this Bill, are able to do it; and, I do not in the least question their Willingness. I am sensible, Sir, how unpopular it is to oppose the most violent Measures that can be proposed at this Juncture; but, I have always despised an Affectation of Popularity that was inconsistent with the Good of my Country; and, I shall continue to do so, not only for the Sake of my Country, but also because I have, from my long Experience in this House, learned to know, that

the Opposers of pernicious but popular Schemes may live to receive the Thanks of their Country for that very Opposition. I am likewise sensible, Sir, how apt some People may be to blame me for opposing this Bill: I know, that from the Station in which I have the Honour to serve his Majesty, some People will be apt to impute to my Fear of a War, that which proceeds only from my Regard to what I think the true Interest of my Country; for a Notion has of late been industriously propagated, that the Ministry are afraid of entering into a War, not for the Sake of their Country, but for their own. What Pretence can be made use of for supporting this Opinion, I am unable to comprehend; for, in this Kingdom, it has always been thought, and with Reason too, that it is more easy to govern in Time of War than in Time of Peace; and, I am sure, if a Minister were conscious of his having been guilty of any Mismanagement, it would be his Business to involve the Nation in a War, in order to divert the Attention of the Publick, and prevent an Enquiry into his own Conduct.

If I had thrown aside all Regard to the Publick, and proposed to act only from selfish political Views, I know, I ought not to have said a Word upon this Occasion; because, whatever may be the Success of our Negotiations, whatever may be the Success of a War, in case we should engage in one, I could have said, I neither advised the one nor the other; and might have pretended, that I could not be made accountable for what I never advised, or for what was resolved on contrary to my Opinion. But this, Sir, I shall always look on as a mean Subterfuge; for Ministers are not only accountable for the Counsels they give to their Sovereign, but are, while they continue Ministers, accountable for his Conduct; because they may, and ought to resign, if any Measures are resolved on, which, they think, evidently tend to the Ruin or Disadvantage of their Country. If any Fault should be found, or an Enquiry made into any of our late Measures, I should willingly take upon me to answer for every Step that has been made by the Government, ever since I had the Honour to have a Share in the Administration; and while I continue in it, I shall always be ready to do the same. With what Face then can it be supposed, that I could appear again in this House, if a proper and full Satisfaction is not made us, before next Session of Parliament, in a peaceable Way, or the most proper and effectual Methods taken for obtaining it by Force of Arms?

The popular Cry is, I know, Sir, at present for War; and if Satisfaction be not speedily obtained by peaceable Means, I shall be as much for War as any Man in the King-

dom: But I would have those who now seem so fond of War consider, what an Addition of Taxes they must in that Case be obliged to pay. When we now talk of a War, every Man seems to be for it; but if we were to collect the Taxes necessary for that Purpose, I believe, most Men would complain, most Men would say they never advised it, and great Pains would be taken by some, to convince the People that we had drawn them into an unnecessary War. Therefore, Sir, do not let us give the least Pretence for any Man to say hereafter, that, by precipitate Measures, we involved the Nation in a War, which might otherwise have been avoided; and as this would, I believe, be the Effect of our agreeing to the Bill now before us, I must be against it.

The next Speaker was M. Cato, who assumed the same Character the other Gentlemen had done before him in this Debate, and spoke in Substance thus.

*Mr. President,
Sir,*

WHEN this Bill was first introduc'd, I could easily foresee the Storm it would meet with in its Passage through this House, from some grumbling half Stentences uttered by the Hon. Gentleman that spoke last; for tho' the Bill, at its first Appearance, seemed to be approved of by every one but him, yet I knew the Consequence of his seeming Dislike to it, and we now see what an Opposition has arisen from his single Disapprobation; tho' I think, and I hope the Majority of this House will think, there is no great Weight in any of the Objections he has been pleas'd to make to it; but before I consider his Objections, I must beg Leave to premise a few Words, for explaining the Design and Intention of this Bill. Two of the chief Ends propos'd by it, Sir, is, to revive the drooping Spirits of our Seamen; and to prevent a War, or rather to put an honourable and speedy End to a War that has been carried on for many Years upon one Side only. Our Seamen, Sir, are a Body of Men so useful to the Nation, and so necessary for carrying on our Trade in Time of Peace, and for defending us against Invasions in Time of War, that I am sure they deserve, upon every Occasion, all the Regard and Encouragement our Government or Legislature can give them; and yet it is certain, that by the Treatment they have, for several Years, met with at home, many of them have been forced into foreign Service, and those who remain with us, are become more unwilling to serve their Country on board his Majesty's Navy, than they were ever known to be heretofore. These two fatal Effects, we may justly suppose, are owing to the Disappoint-

ments they have met with from the late extraordinary Fluctuation, or Uncertainty of our publick Resolutions. Several formidable Squadrons have, from Time to Time, been equipp'd at a vast Expence to the Nation, which no Man could suppose were designed for a Parade only. From these our Sailors conceived Hopes, of having an Opportunity to revenge the Wrongs they had suffered, and to enrich themselves by the Plunder of those, who had insulted their Country. But these Squadrons, after making a Parade upon our own Coasts, or the Coasts of our Enemies, for a few Months, have all been laid up, and the Seamen dismissed, with nothing but their bare Pay, most of which they had spent upon such idle Expeditions; so that many of them had not enough left to pay the Debts they had contracted for fitting themselves out, and were therefore forced to fly into foreign Service, for fear of being thrown into a Jail; and those who could stay at home, are, by the many Disappointments they have met with, now at last induc'd to believe, they can never get any Thing in his Majesty's Service, but only their bare Pay, which is never so good as in the Merchant Service; for which Reason they avoid, as much as they can, being obliged to serve in the Navy.

The Design therefore of this Bill is, to convince our Seamen that we are now in earnest: That unless our Enemies, or at least those who have plundered us, grant us immediate Satisfaction, we are resolved upon revenging ourselves by Force of Arms: That this is the Resolution of Parliament, which no Minister dare endeavour to disappoint. From hence, Sir, our Seamen will presume, they are not now to be made a Show of, nor to be sent upon any mock Expeditions. This will revive their Hopes, and exhilarate their languishing Spirits: It will make those who are abroad, return instantly to their native Country, and will make them, as well as those who are at home, enter with Alacrity into his Majesty's Service; by which Means we shall be enabled, in case of a War, to dart like a Thunder-Bolt upon the Enemy.

This, Sir, is one of the chief Ends of the Bill now before us, and the other is, as I have said, to prevent a War, or rather to put a speedy and honourable End to the War, which Spain has for several Years been carrying on against us. Hitherto they have had to do with our Ministers only, and they seem to think they may negotiate with them as long as they please, and in the mean Time seize and plunder as many of our Ships as they can meet with. By the passing of this Bill they will see, that they have now to do with the Parliament of Great Britain, that the whole Nation is roused, and that it will be impossible even for our Ministers to stem

the Torrent of our Resentment. They will see, that we are preparing to seize upon their Wealth wherever we can find it, and to strip them of their most valuable Possessions, if they do not give us immediate Satisfaction. They know they cannot defend themselves against us, if we are really in earnest, and resolved to prosecute the War with Vigour; therefore, as they cannot hope to amuse us any longer, they will find themselves under a Necessity of complying immediately with our just Demands. Thus it must appear, Sir, that if our Ministers are endeavouring to obtain a safe and honourable Peace, and resolved to accept of none other, we shall by this Bill assist them in their Endeavours, we shall strengthen their Hands, and give Weight to their Negotiations; therefore, I am surprized to see it opposed by any Gentleman, who has the Honour of having a Share in our Administration.

But I am still more surprized, when I hear the Gentlemen who oppose this Bill, making it their chief Objection against it, that it will involve us in a War with Spain. Sir, I should be glad to know what they mean by a War; for if Robbing, Imprisoning, and Torturing our Subjects, are not Hostilities, I do not know what to call them; I hope, the Hon. Gentleman will not say they are Acts of Peace and Friendship! 'Tis true, the War has been hitherto on one Side only: We have received many Blows: We have as yet returned none. It is high Time for us to begin to think of returning, what they have so liberally bestow'd; and when we do begin to return their Favours, I hope we shall be able to pay them back with Interest. Therefore, with respect to what we may suffer by a War, the Hon. Gentleman has no Occasion to be solicitous about it: For if there were actually an open and declared War between the two Nations: If we were giving Blows as well as receiving, I do not believe our Merchants would suffer more than they do at present; because they would then always be provided with proper Convoys; and, I believe, they would have no Reason to fear Spanish *Guarda Costa's*, when they are sailing under the Convoy of a British Squadron. But if his Fear proceeds from what Spain may suffer by our going to War with them, I do not see how this Bill can give him any Uneasiness; for there is no Clause in it for obliging his Majesty to declare War, or to begin Hostilities against Spain: But if his Majesty should find himself under a Necessity to do so, I hope the Hon. Gentleman will excuse our taking all proper Methods, for enabling his Majesty to carry the War on with Vigour, which is another of the chief Ends proposed by the Bill.

The Hon. Gentleman, Sir, has told us, that we have already sufficiently testified our
Zeal

Zeal for the Honour of the Nation, and our Concern for the Sufferings of our Merchants; and that, what we have already done, will certainly open the Eyes of the Court of *Spain*, and make them see the Justice of our Demands. Sir, there might be some Weight in this Argument, if we had never before come to any Resolutions, nor presented any Address to his Majesty upon this Subject; but, we have twice before done the very same Thing, we have already done in this Session: We have twice come to Resolutions, and twice addressed his Majesty upon the same Subject, and the last of them several Years ago; yet, we find, the Eyes of the Court of *Spain* are as fast shut as they were at the Beginning; therefore, we have no Reason to expect they will be opened by what we have already done. That Court seems to be so fast asleep with regard to its own Interest, and so insensible of the Injuries they have done us, that I am afraid we must give them a severe Pinch, before we can make them open their Eyes: If, without such a Pinch, they can be opened, the passing of this Bill will do it: If they cannot, the passing of this Bill is the most proper Method for putting ourselves in a Condition to give them such a Pinch as will be effectual.

Now, Sir, with regard to the Objections that have been made against this Bill, I must observe, that they are such as militate either against the whole Bill, or against some of the particular Clauses. Against the whole Bill it is objected, that it will be look'd on by *Spain* as a Challenge or Defiance, and will therefore make them think it inconsistent with their Honour to grant us what they would, perhaps, have otherwise granted without Hesitation. As to this, Sir, I must take Notice, that we have already provided his Majesty with 10 or 12,000 Seamen, more than would be necessary, if we were in no Danger of a War; now, I must leave to every Gentleman to judge, which looks most like a Defiance, our making such a Provision for the Sea Service; or our passing such a Bill as this now before us; for, I must think, that an actual Provision for War is more like a Challenge, than a conditional Provision for the Encouragement of our Seamen in case of a War. Yet, no such Objection was made against our making such a Provision for the Sea Service: but, one may easily see the Difference: By making that Provision, we put a large Sum of Money into the Hands of our Ministers; by what is now proposed, we are to take out of their Hands the Money and Riches which may, hereafter, be acquired by the Courage and Conduct of our Seamen. This, Sir, is a material Difference, and a good Reason why our Ministers should be angry with this last Method of providing for a War, tho'

they were well pleased with the first: But *Spain* can have no Reason to be angry with either, nor can they look upon either as a Defiance.

Another Objection against the whole Bill is, Sir, that it will render *Spain* more obstinate with respect to our Demands, and more unreasonable in the Demands they make upon us, because it will attach their Friends more closely to them, and prevent our Friends from giving us any Assistance: And how is this terrible Effect to be brought about? Why, by our resolving to seize upon the Ships of our Enemies, and confiscate the Effects we find on board such Ships. Sir, I must say, we are brought to a low Pass, if we dare not resolve to do what all Nations do, and have a Right to do, in Time of War. Those who put their Goods on board the Ships of our Enemies, deserve to have them seized and confiscated, nor will any Nation find fault with us for doing so. To pretend, Sir, that in case of a War with *Spain*, we must not seize upon the *Spanish* Plate Fleets, and confiscate the Effects we find on board; because the *French* will declare War against us if we do; is an Argument that will always hold good against our going to War with *Spain*, unless the *French* please to give us Leave; for the seizing upon and confiscating the Fleets and Ships of *Spain*, is the only Way by which we can carry on a War against them with Advantage, and the only Way by which we could force them to Peace. If we were to restore every Thing the *French* could pretend belonged to them, I am certain, that, in case of a War between *Spain* and us, no *Spaniard* would ever have a Shilling's Worth on board any *Spanish* Ship, nor the least Property in any Vessel that sailed under *Spanish* Colours. If this, Sir, were to be admitted as a Rule for our Conduct, it would be impossible for us ever to carry on a War against *Spain*, or to bring any such War to a Conclusion. We must continue to submit to all the Injuries and Insults they please to put upon us, without daring to resent any one of them, unless the *French* please to give us their Permission.

I hope, Sir, we have not yet negotiated ourselves into such a wretched Condition. I hope we never shall. If the *French* should pretend to impose such hard Terms upon us, we must resolve to carry on a War, both against *France* and *Spain*. We have before done so with Success, and, if we take right Measures, we can never be long without a proper Alliance for doing so again. This the *French* are sensible of, and, therefore, instead of joining with *Spain*, or supporting them against us, when they find we are in earnest, the Share they have in the *Spanish* Plate Fleets, and the Risk they will run of losing that Share, will make them en-

deavour

deavour to prevail with *Spain* to do us Justice. It will make them become sincere Mediators between *Us*; and, in that Case, our Negotiations would soon end in an equal and honourable Treaty. We cannot, therefore, suppose, that our agreeing to this Bill will attach the *French* more closely to the Interest of *Spain*, than they are at present; and as for the *Dutch*, they are almost in the same Circumstances with ourselves, and would probably join with us, if our late Conduct has not given them Sentiments very different from what they formerly entertained. A close Alliance with this Nation, they formerly thought one of the best Measures they could take for their own Preservation; and, if any Part of our late Conduct has made them alter their Opinion, we ought to pass this Bill, in order to make them return to their former Way of thinking.

I come now, Sir, to the particular Objections that have been made against the several Clauses of this Bill. As to the first Clause, I think, all the Objections that have been, or can be made against it, are fully answered, by making this Clause not to take Place, till 60 Days after the Declaration of War, which will be a sufficient Time for every one to withdraw his Effects from on board the Ships of our Enemies; and, if this should not be thought a Time sufficient, we may grant a longer Time: I believe, the Gentlemen, who are Friends to the Bill, will agree to it, rather than have a Negative put upon such a necessary Bill. For this Reason, I need not trouble you with answering the Objections, that were made against this Clause, either with respect to our own, or foreign Merchants, who may have a Concern in *Spanish* Ships, or who may have granted any Policies of Insurance upon such Ships; but, I must observe, that as the Cloud has been long hanging over their Heads, as nothing but our Patience and Forbearance could have prevented this Cloud from breaking long before this Time, they have themselves only to blame, if they suffer by any Reprisals we can make upon the *Spaniards*.

I was glad, Sir, upon this Occasion, to hear the Hon. Gentleman speak a Word in favour of our *Spanish* Merchants, or any of our Merchants: They deserve to be favoured by Actions, as well as Words; but, if I am rightly informed, our *Spanish* Merchants do not seem to be so much concerned for themselves, or so much afraid of a War with *Spain*, as he has appeared to be upon this Occasion; for I have been told, that a Petition was drawn up against our resolving upon any violent Measures with regard to *Spain*, and to serve as a Counter-Petition to those, which were presented by our *West-India* Merchants; that this Petition was presented to several *Spanish* Merchants, in order to be

signed by them, and great Endeavours, even Menaces, made use of, for getting a Number of Hands to this Petition; but, with all the Agents for this Petition could do, they could not get above half a Dozen to sign it, and those of no great Consideration; so that they were at last obliged to lay aside their Design.

A The Clause for granting a Reward to our Seamen concerned in taking Prizes, I find, Sir, meets with no Objection. The Hon. Gentleman himself, I find, thinks it necessary to grant some Reward to our Seamen, in order to encourage them to venture their Lives in taking Ships from the Enemy; and he will join, it seems, in granting them such a Reward, providing it be at our own Expence, and not at that of the Enemy.

Then, as to the Objection made against the 3d Clause, I do not think, Sir, there is the least Foundation for it. If the Master of a Ship, and his Crew, have a mind to turn Pirates, they may do so without any Commission from his Majesty; and if they have his Majesty's Commission in their Pocket, they are as liable to be hanged for Piracy, as if they had not. The Laws against Piracy, therefore, and a strict Execution of them, will always prevent any Man's making a bad Use of his Majesty's Commission. It is to a Failure, in this Respect, that we must impute the piratical Practices committed by the *Spanish Guarda Costa's* upon us; for if we had taken care to have had the Captain and Crew of the first of them, that began those Practices, hanged as Pirates, we should never have been troubled with any more such Practices, nor should we now have been in any Danger of a War. The discretionary Power of the Crown has, I find, for many Years been a favourite and sacred Point with some Gentlemen, who formerly thought, or pretended to think, otherwise. For my own Part, I shall always be for confining it as much as possible; for I generally find, it serves only to increase the Power and the Perquisites of under Officers; and as in this Case, a discretionary Power can be of no Service, nor the abolishing it of any Disadvantage, therefore, no such Power, I think, ought to be left in the Crown.

F Lastly, Sir, as to the 4th Clause of the Bill, we are told, that it would be a Breach of the Treaties subsisting between *Us*, and the other Powers of *Europe*: That the *Dutch*, as well as we, are Guarantees to the King of *Spain*, for his keeping the entire Possession of his Territories in *America*: That his Catholic Majesty stands engaged to *Us*, and likewise to some of the other Powers of *Europe*, not to yield any of his Territories in *America* to any Power whatever; and, therefore, that his Majesty's granting a Charter for seizing upon any of them, would make it impossible for *Spain* and

and Us ever to conclude a Peace; because we could not restore the Territories so seized on, nor could the King of *Spain* yield them to Us. Sir, we are engaged by no Treaty, except that with *Spain*, not to seize upon any of their Territories in *America*; and if an open War should break out between Us, all former Treaties between the two Nations are then at an End. Then, as to the Guarantee of the *Dutch*, or any other Power in *Europe*, in Case a War should break out between the *Spaniards* and Us, upon the present Occasion, they could have no Right to call upon any of their Guarantees for Assistance; because they have brought the War upon themselves, by attacking Us; for Guarantees can only be called on, when the Power guaranty'd is attack'd without a just Cause: If it were otherwise, Sir, I believe, we would find it a little difficult to answer for some late Conduct of our own. And as to the King of *Spain's* Engagement, not to yield up any Part of his Territories in *America*: If the Fate of War should bring him under a Necessity, he must comply with that Necessity: But it is usual, in Treaties, to leave the Victors in Possession, without any express Cession from the Vanquished. Therefore, if we have a mind to force *Spain* to a Peace, and to command our own Terms, a Treaty may easily be agreed on between Us, without our being obliged to restore, what we got by Conquest. Indeed, if we were to sue for, or buy a Peace, we must accept of such Terms, as we can obtain or purchase; in which Case, we would certainly be obliged to restore whatever we had conquered; and then, I must grant, that our Conquests being in the Hands of private Adventurers, and secured to them by Act of Parliament, would be a little perplexing to our Peacemakers: But, if we go to War, I hope it will end in our prescribing to, and not receiving or purchasing from, our Enemies, the Conditions of an Accommodation. The latter is a Case which we ought not to provide for: On the contrary, we ought, if possible, to render it impracticable. It was the Maxim of the *Romans*, never to sue for or purchase a Peace: It was this Maxim which made them the Terror of all their Neighbours, and at last made them Masters of the World.

I have now, Sir, answered all the Objections I have heard made against this Bill, or any Clause it contains; and if I have answered them to the Hon. Gentleman's Satisfaction, I hope he will be as good as his Word. But for his farther Conviction, I shall now endeavour to shew, that the good Ends proposed by this Bill, cannot be any other Way attained. In case of a War, his Majesty may, 'tis true, grant all Prizes to the Captors; but that he will do so, is so far from being known to our Sailors, that from

this Day's Debate they must know, that he will not do so, if he follows the Advice of those Gentlemen that have opposed this Bill. If his Majesty follows their Advice, every *Spanish* Ship that is taken, must be consigned to some Prize Office, there to remain till the *French*, *Dutch*, and other foreign Friends, as well as our own Merchants and Insurers, have made their several Claims; and after all such Claims are satisfied, the Captors are, even by his Majesty's Grant, to have the Residue only, paying the Fees of the Office, and the Perquisites of the Officers. By this Method, can any Officer or Sailor expect to get any Thing by the Capture? No, Sir: The Sailors can never expect to draw any Thing out of such an Office; and the Commander of the Ship that takes the Prize, will generally be a Loser. An honourable Gentleman who has spoke in this Debate, one who understands Sea Affairs as well, and one who always bore as much Authority in his Command, as any Man can do, has told us, that upon taking a Prize it is impossible to keep the Seamen from Plundering, and that by their Plundering, more than a fifth Part of the Cargo may be embezzled: Then, if we suppose, as has been granted, that the *Spaniards* have seldom a fifth Part Property in their own Ships, we must suppose, that no *Spanish* Prize will ever be sufficient to answer the Claims that will be made upon it; and as the Deficiency will always be occasioned by the Embezzlement of the Sailors on board the Ship that took the Prize, their commanding Officer must answer for this Deficiency out of his private Fortune; so that the commanding Officer of every *British* Ship that takes a *Spanish* Prize, will be brought in Debtor, as the same Hon. Gentleman has told us was once his own Case. This, Sir, is the true State of the Case, as it will stand if this Bill should be rejected; and if this be the true State of the Case, can we suppose that any Commander of a *British* Man of War, or other armed Vessel, will ever take a *Spanish* Ship? No, Sir: We must expect, they will fly from them; not for fear of being taken, but for fear they should be obliged to take.

Thus I could easily shew, Sir, that none of the good Ends proposed by this Bill can be answered by any other Method; but, what I have already said upon this Head, shews the Politicks of those who oppose the Bill in such a ridiculous Light, that, I am convinced, no Man will be against it, unless he thinks that we ought to accept of any Sort of Treaty rather than declare War against *Spain*. Therefore, if the Bill is not agreed to, I shall take it as a Prognostick of Peace: I shall take it as a certain Sign of our being resolved not to declare War; but, as I cannot approve of such a Resolution, I must, before

I have done, put you in Mind of what the Nation has suffered. By the Treatment our Merchant Ships have met with, the *British* Flag has been dishonoured, the *British* Nation insulted. The *British* Flag, Sir, which formerly claimed, and asserted, the Dominion of the Seas, and was a Protection for our Merchants in the most distant Corners of the Ocean, is now become a Trap for their Destruction. Our Seamen have been imprisoned, tortured, nay, it has been proved at our Bar, that a Commander of one of our Merchant Men, had his Ear torn off in a contemptuous Manner, and that this Barbarity was accompanied with such Expressions, Expressions which I dare not mention, but they were such as put the highest Indignity upon our Sovereign. These Injuries, these Insults we have suffered, hitherto tamely suffered, and from whom? From a People to whom this Nation has always, till of late Years, been a Terror. What Approbation they have met with from the Court of *Spain*, I do not pretend to know, but I must observe, that our Merchants and Sea Commanders have been most infamously treated even by their Courts of Justice. It has been proved at our Bar, that when a *British* Ship is taken and brought in by any of their *Guarda Costa's*, under Pretence of Illicit Trade, the first Thing that is done, is to clap the Master and Crew up in close Prison, and to rob them of their Sea Letters, and all other Papers, from which they could make their Innocence appear: Then a *Spaniard* is set up by the *Spanish* Governor, as Agent for the Owners, and he, being thus constituted the Defendant in the Suit, without ever consulting with the Master or the Crew, makes a sham Defence, or rather a flat Confession of Guilt, whereupon the Ship and Cargo are condemned as lawful Prize. Whether the Ministers of *Spain* are ignorant of this Practice, I do not know, but our Ministers are not, as appears from the last Memorial sent by them to the Court of *Spain*. And I must farther observe, Sir, that, tho' the Court of *Spain* have been made so sensible of the Injustice of some of the Seizures that have been made, that they have given Orders for Restitution, yet none of these Orders have been yet fully complied with, nor have any of the Offenders been punished: On the contrary, if I am rightly informed, they have been rewarded, which, in my Opinion, looks so much like an Approbation, that if we had as much Regard to our own Honour, as we seem to have to the Honour of *Spain*, we would disdain to sue any longer for Peace, or Satisfaction in a peaceable Way.

Let us consider these Things, Sir, and then let us determine, whether we ought to be so much afraid of provoking, or giving Offence to the Court of *Spain*, as to refuse

passing a Bill which is so necessary, which this very Debate has made necessary, for encouraging the Seamen we have at home, as well as for inviting home those who are now in foreign Service. We may, Sir, procure some Sort of Treaty before next Session of Parliament, but if we shew ourselves so much afraid of a War as to reject this Bill, I am afraid, it will be such a one as will entail Contempt upon this Generation, and involve the next in Difficulties which they will find insurmountable, by any other Method but that which we now seem so much afraid of. What the Hon. Gentleman may mean by a proper and full Satisfaction, I do not know, but, tho' it be not obtained, nor any proper Methods used for obtaining it, before next Session of Parliament, I hope we shall have the Pleasure of seeing him appear here with the same Face as usual. However, I must desire him to remember the Maxim he himself has laid down; it is a just Maxim, a Maxim which ought always to be observed by this House, when we call any Minister to an Account: If he remembers this Maxim, and acts accordingly, we may, perhaps, once more, see him appear in this House, as a Country Gentleman. Or, if he does not, we may probably see some others appear in that Character, who now appear in a very different. This, I say, may happen to be the Case, if all those who have the Honour to have a Share in our Administration, observe the Maxim which he has so justly and so properly established.

I shall conclude, Sir, with taking some Notice of a Doctrine, which may prevail with some Gentlemen to be a little too cautious of doing any Thing that may offend the Court of *Spain*. In all our Debates upon this Subject, our Trade with that Nation has been, by some Gentlemen, set in such a Light, as if we could not subsist without it. I shall grant, it is a Trade which may still be of some Advantage to us, if our Merchants can carry it on with Security; but, it is not of so great an Advantage, I believe, as it was formerly. It is a Trade we may be without. Queen *Elizabeth* thought so: Oliver *Cromwell* thought so: Neither of them made the least Difficulty of declaring War against *Spain*, when they thought they had Reason for doing so: Neither of them ever sued for Peace; both left us at their Deaths, engaged in a War with that Nation. And but lately, we carried on one of the most glorious Wars we were ever engaged in, a War in which that Nation was a Party against us, and during which, even we ourselves prohibited all Trade and Inter-course with *Spain*. Besides, if we allow ourselves to fall into Contempt, our Merchants cannot expect common Justice in their Deal-

ings in that Country, or any other Country, nor Security in any Part of the World; which will soon put an End to our Trade, not only with Spain, but with all foreign Countries. For these Reasons, Sir, whatever may be the Interest of Ministers, it is not the Interest of the Nation to be too much afraid of a War with Spain; and, I must observe, Sir, that tho' it may be easier to govern this Nation in Time of War, than in Time of Peace; yet Ministers may sometimes have particular Reasons for being afraid of a War: By the breaking out of a War, Secrets may be brought to light, which would prove the certain Overthrow of those Ministers that had been concerned in them; but as none of our Ministers can have such particular Reasons for being afraid of a War, I therefore hope, they will give us their Concurrence in the passing of this Bill.

Thus, Sir, I have given you the Substance of the most material Speeches, that were made

in this Debate; but as the Debate on this Affair was long and warmly carried on, a great many other excellent Speeches were made, a particular Account of which would, I know, have been a great deal too much for the Room you have to spare; therefore, I chose to give you the three principal Speeches; and in this I have done Justice to the Debate, by giving you first the Arguments that were made use of in favour of the Question, then the Answer, or Arguments made use of against it, and lastly the Reply in its Favour. This, I say, is doing Justice to the Debate; for in all Courts of Judicature, where the Debates are any Way confined, the Petitioner, Plaintiff, or Prosecutor, is allowed to open and reply. But I must acquaint you, and by your Means the Publick, that, even in the three Speeches I have given, I was obliged to abridge them very much, and to leave out several strong Arguments, and beautiful Expressions, that were made use of by the Speakers.

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